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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

SUSTAINABILITY AND MARKET DEVELOPMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING

1001 I STREET

2ND FLOOR

COASTAL HEARING ROOM

SACRAMENTO, CALIFORNIA

WEDNESDAY, NOVEMBER 3, 2004

1:30 P.M.

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CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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Ms. Rosario Marin

Ms. Rosalie Mul

STAFF

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Ms. Marie Carter, Chief Counsel

Mr. Pat Schiavo, Deputy Director

Ms. Patty Wohl, Deputy Director

Mr. Robert Baumann

Mr. Eric Bissinger

Mr. Elliot Block, Staff Counsel

Ms. Rebecca Brown

Mr. Robert Conheim, Staff Counsel

Mr. Keir Furey

Mr. Jeff Hunts, Supervisor, Business Resources Efficiency

Ms. Sue Kumpulainen, Executive Secretary

Mr. Jim La Tanner, Supervisor, Loan Program

Ms. Cara Morgan, Branch Manager, Office of Local Assistance

Ms. Sherrie Sala-Moore, Supervisor, Disposal Reporting Section

Mr. Steve Sorelle, Supervisor, Office of Local Assistance

Ms. Diane Shimizu

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Branch

Ms. Diane Van Kekerix, Manager, Waste Analysis Branch

ALSO PRESENT

Ms. Dana Armstrong, City of Victorville
Mr. Stephen Burrell, City of Hermosa Beach

Mr. Thomas Coaters, City of Inglewood

Mr. John Cupps, San Luis Obispo County, Integrated Waste
Management Authority

Mr. John Davis, Mojavi Desert and Mountain Recycling
Authority

Mr. Sean Edgar, California Refuse Removal Council

Mr. Don Gamelin, NorCal Waste

Mr. Chuck Helget, Allied Waste

Ms. Yvonne Hunter, League of California Cities

Mr. Doug Kobold, Sacramento County

Mr. George Larson, Waste Management

Mr. Richard Long, City of Lancaster

Mr. Ron Proto, E-Recycling of California

Mr. Phil Shannon, City of Pico Rivera

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INDEX	PAGE
Roll Call And Declaration Of Quorum	1
A. Waste Prevention And Market Development Deputy Director's Report	2
B. Consideration Of Reappointment Of Two Loan Committee Members And Appointment Of Two New Loan Committee Members For The Recycling Market Development Revolving Loan Program -- (November Board Item 4)	6
Motion	8
Vote	8
C. Consideration Of Applications To Renew The Following Recycling Market Development Zone Designations: (1) North San Diego County; and (2) Stanislaus County -- (November Board Item 5)	9
Resolution 2004-273	
Motion	12
Vote	13
Resolution 2004-274	
Motion	13
Vote	13
D. Consideration of Repeal and Adoption of Emergency Regulations for The Implementation of The Electronic Waste Recycling Act of 2003 (SB 20, Chapter 526, Statutes of 2003, as amended by SB 50, Chapter 863, Statutes of 2004) -- (November Board Item 6)	13
Motion	33
Vote	34
E. Diversion, Planning And Local Assistance Deputy Director's Report	35
F. Discussion And Request For Rulemaking Direction On Extending 45-day Comment Period For The Proposed Regulations For Revised Adjustment Method And Disposal Reporting Requirements -- (November Board Item 7)	38
G. Discussion Of The Findings From The Large Public Venue Contract # IWM-C0212 -- (November Board Item 8)	

INDEX CONTINUED

	PAGE
H. Consideration Of The Amended Nondisposal Facility Element For The Unincorporated Area Of San Mateo County -- (November Board Item 9)	132
Motion	133
Vote	133
I. Consideration Of The Amended Nondisposal Facility Element For The City Of Los Angeles, Los Angeles County -- (November Board Item 10)	133
Motion	134
Vote	134
J. Consideration Of The 2001/2002 Biennial Review Findings For The Source Reduction And Recycling Element And Household Hazardous Waste Element For The Following Jurisdictions (First Of Four Items): Alpine County: Alpine Unincorporated; Mendocino County: Fort Bragg; Placer County: Loomis -- (November Board Item 11)	134
Motion	137
Vote	137
K. Consideration Of The 2001/2002 Biennial Review Findings For The Source Reduction And Recycling Element And Household Hazardous Waste Element For The Following Jurisdictions (Second Of Four Items): Mendocino County: Point Arena -- (November Board Item 12)	134
Motion	138
Vote	139
L. Consideration Of The 2001/2002 Biennial Review Findings For The Source Reduction And Recycling Element And Household Hazardous Waste Element For The Following Jurisdictions (Third Of Four Items): Mendocino County: Ukiah; Sierra County: Sierra County Regional Agency -- (November Board Item 13)	134
Motion	139
Vote	139
M. Consideration Of The 2001/2002 Biennial Review Findings For The Source Reduction And Recycling Element And Household Hazardous Waste Element For The Following Jurisdictions (Fourth Of Four Items): Yolo County: Woodland -- (November Board Item 14)	134
Motion	141
Vote	141

INDEX CONTINUED

PAGE

N. Consideration Of A Request To Change The Base Year To 2002 For The Previously Approved Source Reduction And Recycling Element; And Consideration Of The 2001/2002 Biennial Review Findings For The Source Reduction And Recycling Element And Household Hazardous Waste Element For The City Of Concord, Contra Costa County -- (November Board Item 15)	141
Motion	142
Vote	142
 O. Consideration Of The 2001/2002 Biennial Review Findings For The Source Reduction And Recycling Element And Household Hazardous Waste Element For The City Of Pico Rivera, Los Angeles County -- (November Board Item 16)	95
Motion	99
Vote	99
 P. Consideration Of The 2001/2002 Biennial Review Findings For The Source Reduction And Recycling Element And Household Hazardous Waste Element For The City Of Guadalupe, Santa Barbara County -- (November Board Item 17)	145
Motion	146
Vote	146
 Q. Consideration Of The 2001/2002 Biennial Review Findings For The Source Reduction And Recycling Element And Household Hazardous Waste Element For The City Of Victorville, San Bernardino County -- (November Board Item 18)	104
 R. Consideration Of A Second SB1066 Time Extension Application By The Following Jurisdictions: Foster City, San Carlos And Pacifica, San Mateo County -- (November Board Item 19)	143
Motion	145
Vote	145
 S. Consideration Of A Second SB1066 Time Extension Application By The City Of Maywood, Los Angeles County -- (November Board Item 20)	146
Motion	147
Vote	148

INDEX CONTINUED

	PAGE
T. Consideration Of The Application For A SB1066 Time Extension By The City Of Agoura Hills, Los Angeles County -- (November Board Item 21)	148
Motion	150
Vote	150
U. Consideration Of The Application For A SB1066 Time Extension By The City Of Lancaster, Los Angeles County -- (November Board Item 22)	99
Motion	103
Vote	104
V. Consideration Of Failure To Meet SB 1066 Time Extension Plan Of Correction; Consideration Of The 2001/2002 Biennial Review Findings For The Source Reduction And Recycling Element; And Consideration Of Issuance Of A Compliance Order For The City Of Hermosa Beach, Los Angeles County -- (November Board Item 23)	65
W. Consideration Of Failure To Meet SB 1066 Time Extension Plan Of Correction; Consideration Of The 2001/2002 Biennial Review Findings For The Source Reduction And Recycling Element; And Consideration Of Issuance Of A Compliance Order For The City Of Inglewood, Los Angeles County -- (November Board Item 24)	82
Motion	93
Vote	94
Adjournment	151
Reporter's Certificate	152

1 PROCEEDINGS

2 CHAIRPERSON PAPARIAN: Good afternoon, everybody.

3 This is the Sustainability and Market Development

4 Committee.

5 This is a reminder. You always hear this about

6 your cell phones. You know what to do with your cell

7 phones. If we hear them ringing, we get them.

8 (Laughter.)

9 CHAIRPERSON PAPARIAN: Give them to us. We'll
10 make sure they go to a good cause.

11 COMMITTEE MEMBER MARIN: We'll recycle them.

12 CHAIRPERSON PAPARIAN: Yeah, we'll recycle them.

13 Why don't we start with a roll call.

14 SECRETARY KUMPULAINIEN: Marin?

15 COMMITTEE MEMBER MARIN: Here.

16 SECRETARY KUMPULAINIEN: Mulé?

17 COMMITTEE MEMBER MULÉ: Here.

18 SECRETARY KUMPULAINIEN: Paparian?

19 CHAIRPERSON PAPARIAN: Here.

20 Do any members have ex partes?

21 Board Member Mulé?

22 COMMITTEE MEMBER MULÉ: No. I'm up to date.

23 CHAIRPERSON PAPARIAN: Board Member Marin?

24 COMMITTEE MEMBER MARIN: I'm up to date.

25 CHAIRPERSON PAPARIAN: And I'm up to date.

1 If you want to speak on any item, there are
2 speaker slips in the back of the room. Fill one out, give
3 it to Ms. Kumpulainen here in the front of the room.

4 I think we can get started. We have Waste
5 Prevention and Market Development.

6 DEPUTY DIRECTOR WOHL: Good afternoon. Patty
7 Wohl with the Waste Prevention and Market Development
8 Division.

9 As usual, it was a busy month. So I have several
10 things I'd like to report on before we start.

11 Starting with conversion technology. I wanted
12 the Board members of this Committee to know that in
13 December we'll be bringing the regulations forward to the
14 Permitting and Enforcement Committee. This will be a
15 discussion and formal rule-making public hearing on the
16 proposed amendment of the existing transfer processing
17 regulations to address conversion technology operations.
18 So we felt that that was probably the appropriate venue to
19 have those at.

20 In addition to the regulations, staff is working
21 on preparing the report to the Legislature as required by
22 AB 2770. Although we had anticipated bringing that report
23 forward in December, it looks like, due to the early
24 schedule of the committees, that we'd to prefer to bring
25 that in January. So we will be bringing that forward in

1 January.

2 For those who were at the plastics meeting this
3 morning, I think I said December. So it's a recent
4 change, up to the moment here.

5 In the area of business resource efficiency, the
6 Reuse Grants Program closed its latest application period.
7 Again, we have strong interest. Thirty-two applications
8 were received by the deadline, for a total over \$1.2
9 million. And just as a reminder, we currently have
10 \$250,000. So we definitely have some high demand there.

11 On the area of the waste productions awards
12 programs you, know you approved those last month. And
13 we're now working with the Office of Public Affairs on
14 press releases and beginning to schedule those visits for
15 the WRAP of the year winners.

16 On the subject of E-waste, and in addition to
17 today's item, program staff are scrambling to be prepared
18 for the effective start date on the program, which is
19 January 1st, 2005. They've had several stakeholder
20 meetings. They had two workshops with DTSC, one in
21 Glendale and one here in Sacramento, to better educate the
22 prospective participants on the authorization requirements
23 and on how to become a recycler of covered electronic
24 waste.

25 We've also been coordinating efforts with the

1 Board of Equalization. And staff are working closely with
2 the Office of Public Affairs on the development of some
3 public service announcements and then also the newly
4 established website, ERECYCLE.ORG. So those efforts are
5 underway.

6 As far as -- I think you have seen the latest
7 economic and environmental benefits brochure that we have.
8 I just wanted to inform you that we've been working with
9 the Diversion Planning and Local Assistance in a
10 cross-divisional effort. That includes the Recycling
11 Business Assistance Branch, the Office of Local
12 Assistance, and the State and Local Assistance Branch.

13 We are creating an electronic tool kit for use by
14 local government recycling staff. So the tool kit will be
15 designed to help local staff explain these benefits that
16 are kind of put in that package to either their councils
17 or boards or commissions or whatever so we can get that
18 word out.

19 And then, lastly, just to touch on some of the
20 highlights from the zone works at Santa Rosa. I think all
21 of your staffs or in some part of your Board offices were
22 present at the meeting.

23 Rosario Marin gave a resolution to Lonnie
24 Hancock, who was instrumental in getting our sunset date
25 extended. In addition, Lonnie attended to hear the zone

1 administrators' comments On ideas they had for future
2 legislation and how to leverage this money. So I think we
3 had a creative discussion and a lot of good ideas. And
4 she was really excited to take those back with her.

5 So all in all it was a great month.

6 So with that, unless there's any questions.

7 CHAIRPERSON PAPARIAN: Just to quickly follow up
8 on the RMDZ item. And I think I might have mentioned this
9 at the last full Board meeting. What I'd like to do is
10 have a workshop on the RMDZ program in the next few
11 months. And one concept perhaps is to have our staff give
12 us an overview of the program during one committee meeting
13 and then perhaps the next month bring in some of the zone
14 administrators and have -- and some of the other
15 interested parties perhaps and have a bit of a dialogue
16 about the program, where it's going, and some success
17 stories -- that's a good idea -- and what we can do to
18 enhance the program. So I'll be working with Patty and
19 her staff to schedule that over the next few months.

20 Board Member Marin.

21 COMMITTEE MEMBER MARIN: I only have a question
22 regarding the PSA's package, the entire marketing package
23 that you would have.

24 You will make sure that we have different
25 languages or at least Spanish on your PSA's?

1 DEPUTY DIRECTOR WOHL: Let me confirm with staff
2 that they're actually looking at that.

3 Would you know that, Jeff?

4 BUSINESS RESOURCE EFFICIENCY SUPERVISOR HUNTS:
5 We'll make every effort that Public Affairs is
6 aware of that desire.

7 COMMITTEE MEMBER MARIN: Yeah, okay. Thank you.

8 CHAIRPERSON PAPARIAN: Okay.

9 DEPUTY DIRECTOR WOHL: With that, I'll start with
10 Agenda Item B, which is Item 4 in your Board book.

11 Consideration of reappointment of two Loan
12 Committee members and appointment of two new Loan
13 Committee members for the Recycling Market Development
14 Revolving Loan Program.

15 And Jim La Tanner will present.

16 LOAN PROGRAM SUPERVISOR La TANNER: Good
17 afternoon, Committee Chair and members.

18 The RMDZ Loan Program has a Loan Committee
19 consisting of nine members that are volunteers that look
20 at each staff written report to confirm an applicant's
21 ability to repay and collateralize the loan.

22 These are nine volunteers throughout the state.
23 The terms are over three years each. And they're
24 staggered, so they don't all expire at one time. The idea
25 is half the members are from private industry like banks;

1 the other half are from a public entity, city, county or
2 related type entity that has some kind of lending
3 background. And it's been actually very effective.

4 We have two members that are renewing their
5 terms. That would be Mike McCraw and Dorothy Thomas. And
6 we have two slots that are open, one to be filled by
7 Kathleen Todd and another by Michelle McManus.

8 Generally in the past it's been pretty difficult
9 to fill these positions because they're a volunteer, they
10 only meet once a month, and we don't always have 12 loan
11 committees a year.

12 With that, staff recommends approval of
13 Resolution 2004-272.

14 CHAIRPERSON PAPARIAN: Any questions?

15 Go ahead.

16 COMMITTEE MEMBER MARIN: I only have a question.

17 The people that have served, do we thank them
18 profusely for their time and -- do we do something to
19 acknowledge their service?

20 LOAN PROGRAM SUPERVISOR La TANNER: We haven't
21 done anything in writing for them.

22 COMMITTEE MEMBER MARIN: On top of everything
23 that they give?

24 Mr. Chair, I think we need to at least commend
25 them -- the people that have already served, we need

1 to somewhere, somehow acknowledge them.

2 DEPUTY DIRECTOR WOHL: It's a good idea.

3 COMMITTEE MEMBER MARIN: And I have no problem
4 with the new appointments.

5 CHAIRPERSON PAPARIAN: Yeah, I think that's a
6 good suggestion.

7 And then in -- I talked to staff briefly about
8 this before. In the future when these come up, I would
9 love to see just a little bit more background on who's
10 being proposed.

11 LOAN PROGRAM SUPERVISOR La TANNER: That will be
12 fine, because we've got the resolution. So we have the
13 information.

14 CHAIRPERSON PAPARIAN: Okay. Board Member Mulé.

15 COMMITTEE MEMBER MULÉ: I'd like to move approval
16 of Resolution 2004-272.

17 COMMITTEE MEMBER MARIN: Second.

18 CHAIRPERSON PAPARIAN: Okay. It's been moved and
19 seconded.

20 Secretary, call the roll.

21 SECRETARY KUMPULAINIEN: Marin?

22 COMMITTEE MEMBER MARIN: Aye.

23 SECRETARY KUMPULAINIEN: Mulé?

24 COMMITTEE MEMBER MULÉ: Aye.

25 SECRETARY KUMPULAINIEN: Paparian?

1 CHAIRPERSON PAPARIAN: Aye.

2 Okay. And that would be for consent.

3 DEPUTY DIRECTOR WOHL: Okay. The next agenda
4 item is C, or Board Item 5. Consideration of the
5 applications to renew the following Recycling Market
6 Development Zone designations: NORTH San Diego County and
7 Stanislaus County.

8 And I'd like to introduce Robert Baumann. This
9 is actually his first presentation in front of the Board.
10 So we usually like to ridicule --

11 (Laughter.)

12 DEPUTY DIRECTOR WOHL: -- I mean encourage that
13 effort.

14 So with that, I'll turn it over to Robert.

15 MR. BAUMANN: Thank you.

16 Good afternoon. I'm Rob Baumann, here to present
17 renewal requests for two of our zones, North San Diego and
18 Stanislaus County.

19 Each of these RMDZ's has been active in the
20 program during their first ten-year designation, working
21 closely with our staff and their local recycling based
22 businesses.

23 Six RMDZ loans totaling 5.2 million have been
24 made to businesses in these zones and many more have
25 benefited in receiving business assistance from their zone

1 administrators and Waste Board staff.

2 Each of these zones cover geographically
3 important, yet contrasting, zones in the state, the San
4 Diego area being the second most populated city in
5 California and Stanislaus County in the Central Valley
6 with its primarily agricultural focus. Those responsible
7 for administering these zones believe that a redesignation
8 will keep them competitive in retaining existing
9 businesses and attracting new enterprises.

10 I'd like to share a few notes about what is
11 happening in these zones. Materials diverted in the
12 greater San Diego area include a wide range of materials
13 that can be used as feed stock by zone businesses. One
14 example is loan recipient Oceanside Glass Tile located in
15 Carlsbad. This company uses recycled glass to produce
16 high-end glass tiles, accounting for 1350 tons per year in
17 diversion while creating 26 new jobs.

18 The North San Diego Zone's close working
19 relationship with its regional chamber of commerce and
20 regional economic development corporation makes for a
21 strong partnership in assisting current and potential RMDZ
22 businesses.

23 For the Stanislaus County zone, the consistent
24 goal has been to establish and grow recycling-based
25 businesses in the rural central San Joaquin Valley, while

1 creating jobs in one of California's most chronically
2 unemployed regions.

3 With the zones nine cities working together a
4 solid commitment to the program has been realized. The
5 team is strengthened with the Stanislaus Economic
6 Development and Work Force Alliance, a private nonprofit
7 partnership that is committed to marketing the area as a
8 strategic place to do business.

9 Stanislaus County is the home to the River Bank
10 Industrial Complex, a retrofitted military facility that
11 has the potential to be the site of future recycling-based
12 businesses. The facility has 20,000 square feet of floor
13 space immediately available for light industry or
14 assembly-type operations, and zone staff has been
15 promoting the site to potential businesses. In fact,
16 recent RMDZ loan recipient, ITEC, a plastics recycler
17 manufacturer is the process of siting at this complex.

18 ITEC is a example of Stanislaus County's
19 commitment to assist recycling-based businesses. Their \$2
20 million RMDZ loan will enable the company to process
21 15,000 tons per year of post-consumer plastic PET bottles
22 and 45 new jobs will result.

23 I hope this synopsis has demonstrated the
24 importance of renewing each of these zones for another
25 designation period to continue the work they've already

1 begun.

2 Staff recommends that the Board approve Option
3 No. 1 for each zone to approve the renewal for both North
4 San Diego and Stanislaus County RMDZ's Resolutions 273 and
5 274.

6 Thank you.

7 CHAIRPERSON PAPARIAN: Any questions?

8 I had about 80 questions for you, Robert. But
9 you did such a good job.

10 (Laughter.)

11 MR. BAUMANN: Oh, thank you.

12 CHAIRPERSON PAPARIAN: Board Member Mulé.

13 COMMITTEE MEMBER MULÉ: I just want to comment.

14 I did have an -- Fernando and Ruthann and I had an
15 opportunity to go visit Oceanside Glass Tile and were very
16 impressed with the operation, what they're doing there.
17 And this is the kind of thing that I would like to
18 encourage our staff and, as a board, for us to do more of,
19 is to get out there and build business and also work on
20 protecting our environmental resources.

21 So just keep up the good work.

22 With that, I'd like to move Resolution 2004-273.

23 I guess we have to do these separately.

24 CHAIRPERSON PAPARIAN: Yeah, we'll do them one at
25 a time. We'll do them quickly though.

1 So Board Member Mulé moves --

2 COMMITTEE MEMBER MARIN: Second.

3 CHAIRPERSON PAPARIAN: -- Board Member Marin

4 seconds Resolution 2004-273.

5 We'll substitute the previous roll call and put
6 that on consent.

7 Board Member Mulé moves 2004-274 and Board Member
8 Marin seconds that.

9 And we'll substitute the previous roll call and
10 put that one on consent.

11 DEPUTY DIRECTOR WOHL: Okay. Agenda Item D,
12 which is Board Item 6. Consideration of repeal and
13 adoption of emergency regulations for the implementation
14 of the Electronic Waste Recycling Act of 2003 (SB 20,
15 chapter 526, Statutes of 2003, as amended by SB 50,
16 Chapter 863, Statutes of 2004).

17 And Jeff Hunts will present.

18 (Thereupon an overhead presentation was
19 Presented as follows.)

20 BUSINESS RESOURCE EFFICIENCY SUPERVISOR HUNTS:

21 Good afternoon, Committee members. My name is
22 Jeff Hunts. I'm with the Waste Prevention and Market
23 Development Division. I'm one of the members of the ET
24 Team though, the Waste Board's staff who are working to
25 implement SB 20.

1 The item before you today proposes to repeal
2 existing emergency regulations and adopt new emergency
3 regulations to implement portions of the Electronic Waste
4 Recycling Act of 2003. This action is necessary due to
5 new statutory requirements imposed by SB 50 which was
6 intended as cleanup on technical issues left over from SB
7 20.

8 Significant portions of the proposed emergency
9 regulations are very similar, if not identical, to the
10 regulations previously adopted. Therefore this
11 presentation will focus on just those key issues and
12 changes made to the existing regulations. And for
13 guidance it would be best to use attachment 2 in your
14 packet to follow along with these changes. That shows
15 specifically what changes are being made.

16 The purpose of the wholesale repeal and
17 readoption or adoption of the new emergency regulations is
18 to ensure that the regulations remain uniformly in effect
19 for the same two-year period or until the Board adopts
20 final regulations, whichever occurs first. And I'll be
21 walking you through some PowerPoint slides to show both
22 the statutory changes that have occurred between SB 20 and
23 SB 50 and key regulatory changes proposed to implement
24 those areas that the Board is responsible for.

25 I also want to note that there is an ERRATA sheet

1 that's available in the back of the room, and that you
2 should have in front of you, that identifies two minor or
3 areas that staff overlooked when revising the regulations.
4 One pertains to a mention of out-of-state standards for
5 weights and measures that's no longer applicable; and the
6 other is to a non-regulatory adjustment of the regulation
7 package's table of contents.

8 --o0o--

9 BUSINESS RESOURCE EFFICIENCY SUPERVISOR HUNTS:

10 Okay. This first slide shows the differences
11 between SB 20 and SB 50 in key areas. The most notably,
12 the date the consumer fee begins or is proposed to begin.
13 It was originally slated to begin July 1st of this year.
14 And then AB 901 changed that to November 1st. SB 50 sets
15 that date at January 1st of '05.

16 Manufacturers are required to notify retailers.
17 SB 20 made that requirement on retailers only. And SB 50
18 expanded that to retailer notification through
19 distributors and to provide a copy of that notification to
20 BOE and a list of who was notified to the Waste Board.

21 SB 50 requires the Board of Equalization to
22 collect the fee. That was a sticking point with SB 20,
23 which only said that the Board of Equalization may collect
24 the fee.

25 --o0o--

1 BUSINESS RESOURCE EFFICIENCY SUPERVISOR HUNTS:

2 The recycling payments was established by
3 previously adopted regulations to begin October 1st. SB
4 50 pegs that date for activities for which payment may be
5 claimed on January 1st of '05. And it limits payments for
6 the recovery and recycling payments to in-state activities
7 only.

8 It established -- SB 50 establishes an initial
9 payment schedule of 28 cents per pound on the total weight
10 of canceled devices. This is set in statute. Previously
11 the regulations had established a 28 cent per pound
12 calculated weight tied to the CRT glass.

13 SB 20 established cost-free collection
14 opportunity as intent, and SB 50 now makes that a
15 condition of payment. And a wholesale addition to the Act
16 is the area of this manufacturer payment. Whereas SB 20
17 did not provide for any sort of program for manufacturers
18 to take back devices, SB 50 does provide for a
19 manufacturer take-back payment. So for those OEM's who
20 wish to conduct a little bit more product stewardship, we
21 want to reward that.

22 --o0o--

23 BUSINESS RESOURCE EFFICIENCY SUPERVISOR HUNTS:

24 Where we are in the overall timeframe. As you
25 recall, the Board adopted regulations in May of this year.

1 We came back with some draft changes in October. Nope,
2 I'm sorry. We came back with some changes based on AB 901
3 that we never followed through with because of SB 50. We
4 proposed draft changes at an October 7th workshop for
5 stakeholders. We're here today for Committee, and Board
6 consideration next week. And we'll submit the changes to
7 OAL in December, with final regs likely to be adopted
8 later next year.

9 --o0o--

10 BUSINESS RESOURCE EFFICIENCY SUPERVISOR HUNTS:

11 So now I'll just step you through the
12 regulations, and again touching really on those high
13 points and key areas that are being changed.

14 --o0o--

15 BUSINESS RESOURCE EFFICIENCY SUPERVISOR HUNTS:

16 In Article 1, which is the definitions, we've
17 added new definitions that pertain to manufacturer
18 payment, the manufacturer payment system. So what is a
19 manufacturer take-back program? What's a manufacturer
20 registration? Those types of things. We've deleted
21 references to PBDE, which was a chemical that
22 manufacturers were supposed to report on their use of.
23 That was deleted through SB 50. And we revised the
24 definition of what a bare panel is. That previously was
25 limited to LCD panels. This is in anticipation of other

1 types of covered electronic waste coming into the system
2 that may be beyond LCD panel devices, including gas plasma
3 displays.

4 --o0o--

5 BUSINESS RESOURCE EFFICIENCY SUPERVISOR HUNTS:

6 Article 2. This is a big one. Applicability and
7 limitations. This is where the program starts. It
8 establishes January 1st for the eligible date on which
9 activities can be begin for which payment can be sought.
10 It imposes a few more requirements on the collector.
11 Notably that a cost-free opportunity be established by
12 collectors for California sources to transfer covered
13 electronic wastes into the recycling system. And it
14 establishes the manufacturer payment opportunity.

15 Items .7 through .9 are pretty much identical,
16 with a few edits -- technical edits. Point ten there, the
17 net cost report, the only addition there really is the
18 February 1st, '06, being the due date for the net cost
19 report that would cover the previous calendar year.

20 --o0o--

21 BUSINESS RESOURCE EFFICIENCY SUPERVISOR HUNTS:

22 Article 2.1, these are how participants --
23 prospective participants would apply to participate in the
24 program. Most notably under the collector requirements is
25 the establishment of a cost-free opportunity. We require

1 collectors to -- or we're proposing to require collectors
2 to tell us how they're going to provide that opportunity.

3 And we provided some clarification for recyclers
4 to ensure that they are in full conformance with DTSC
5 requirements, in particular authorization to treat covered
6 electronic waste. And this is where we specify in
7 regulation that only activities that incur in-state are
8 eligible for payment.

9 --o0o--

10 BUSINESS RESOURCE EFFICIENCY SUPERVISOR HUNTS:

11 Nothing really changed on our review process or
12 what were prohibited activities appeals.

13 --o0o--

14 BUSINESS RESOURCE EFFICIENCY SUPERVISOR HUNTS:

15 Article 2.2 is where we outlined what the
16 requirements for the operations of collectors and
17 recyclers. And at the key additions here is what we're
18 terming "improved documentation". We identified that,
19 given the dates of the program, given the scope of the
20 materials handled, given the limitations on documentation
21 that exist for universal wastes -- meaning the lack of
22 manifests -- the Waste Board needs to know, the State of
23 California needs to know where this material came from,
24 who it came from, when it came from, and what has happened
25 to it once it has entered the system so that we can be

1 confident we're spending the state's money responsibly.

2 --o0o--

3 BUSINESS RESOURCE EFFICIENCY SUPERVISOR HUNTS:

4 Article 2.3 specifies how recyclers will seek

5 payment via the payment claims; again, improved

6 documentation that must accompany the payment claim.

7 We've had to revise the cancellation methods for

8 CRT devices, whether it's crushing and shredding or

9 dismantling, to reflect the no-conversion factor that was
10 introduced by SB 50 and just a straight-weight payment.

11 And since we're paying out on the entire weight of the

12 device and not just a calculation of the glass, staff is

13 proposing that it's very important to know where the

14 residuals -- the treatment residuals go. And it's now a

15 requirement for recyclers when making a payment claim to

16 document where all the treatment residuals end up.

17 --o0o--

18 BUSINESS RESOURCE EFFICIENCY SUPERVISOR HUNTS:

19 Continuing on with 2.3, the cancellation method

20 for LCD monitors. Really there's nothing changed here

21 except for residuals tracking. And our review of the

22 claims and the PO process remains the same.

23 Two point four. Major just deletion here is the

24 conversion factor. And as noted in the comparison between

25 SB 20 and SB 50, that there is now a payment -- that the

1 recycling payment rate is pegged at 28 cents per pound.
2 So we had to adjust the wording in our regulations to
3 reflect that a recycler in making a payment claim is
4 getting a combined recovery and recycling payment rate.

5 --o0o--

6 BUSINESS RESOURCE EFFICIENCY SUPERVISOR HUNTS:

7 And then article 2.5 is the new manufacturer
8 payment system. It mirrors as much as applicable the
9 recycling and recovery payment system in terms of applying
10 to be registered in the system, the requirements for
11 activities in tracking, payment claims and our review of
12 that. But recognizing that manufacturers who take back
13 materials may not be located in California; they may be
14 located elsewhere where we do not have the same degree of
15 inspection oversight or audit oversight. That's where the
16 differences lie.

17 --o0o--

18 BUSINESS RESOURCE EFFICIENCY SUPERVISOR HUNTS:

19 Article 3 is the manufacturer reporting
20 requirements. They're to reflect the change in SB 50. We
21 removed PBDE as a material that needed to be reported on,
22 and expanded and delineated the information that we will
23 require in the list of retailers that had been noticed by
24 the manufacturer.

25 --o0o--

1 BUSINESS RESOURCE EFFICIENCY SUPERVISOR HUNTS:

2 One issue that did come up -- we want to bring
3 this to the Committee's attention -- a stakeholder was
4 suggesting that a collector in the system be required to
5 accept any and all covered electronic waste that were
6 brought in by a California source. Staff have considered
7 this. And our recommendation to the Board is that that
8 not be part of this regulation package at this time that
9 that requirement that any -- that a collector be required
10 to accept all varieties of covered electronic waste.

11 And a couple reasons: One, statute really
12 doesn't provide for that; and, two, we're talking about a
13 hazardous waste here. Sure, it's being managed as a
14 universal waste. But participants in this system must
15 conform with DTSC requirements and authorizations for the
16 handling of this material. And staff just believe that
17 it's not appropriate and it would be an undue burden for a
18 collector who's -- it's not in their business plan and
19 they may not be authorized to even handle materials other
20 than, you know, what they prefer to collect. So at this
21 point we're recommending not including that requirement.

22 --o0o--

23 BUSINESS RESOURCE EFFICIENCY SUPERVISOR HUNTS:

24 So staff recommendation is to repeal the current
25 emergency regulations, adopt the new proposed regulations,

1 and adopt Resolution 2004-275.

2 CHAIRPERSON PAPARIAN: Okay. Thank you.

3 I do have several speakers.

4 Any quick questions before we go to the speakers?

5 Okay. First will be John Cupps representing the
6 San Luis Obispo IWMA.

7 MR. CUPPS: Good afternoon, Mr. Paparian, members
8 of the Committee. For the record, my name is John Cupps.
9 I am a consultant to the San Luis Obispo Integrated Waste
10 Management Authority.

11 And the Authority is indeed the stakeholder that
12 suggested the requirements that all collectors be -- all
13 approved collectors within the system be required to
14 accept all types of covered electronic devices. The
15 reason we have suggested that is that we fear that if you
16 do not have such a requirement, you will set up a system
17 that in effect will encourage some collectors to cherry
18 pick the more profitable materials, leaving the less
19 profitable or even unprofitable materials to other
20 collectors, namely, the collectors of last resort.
21 Probably in most instances that's going to be either your
22 local government or their service providers.

23 We think that this problem may not occur
24 immediately, because we think that the rates that have
25 been set actually will in fact result in at least

1 reasonably efficient collectors being able to get a profit
2 on virtually any type of covered electronic device that is
3 collected.

4 But we think it's inevitable that when you get in
5 the annual cost reports and then start adjusting the
6 payment levels based upon that data, you'll in effect be
7 setting up a net compensation based upon what the real net
8 average cost of collecting all materials are. When you do
9 that, that just mathematically means that some materials
10 are going to be profitable and some materials are going to
11 be unprofitable. That's a mathematical certainty if
12 that's in fact how you set the rates.

13 Given that, you're going to have collectors that
14 just take the profitable materials. The rest of the
15 materials will be left for collectors of last resort,
16 again probably your local governments or their service
17 providers. And the net result is that local governments
18 will not in fact have their costs covered.

19 We're also concerned that, in effect, this system
20 will encourage the creation of lots of opportunities to
21 get rid of the profitable materials and not enough
22 opportunities to get rid of the less profitable materials.
23 And, in essence, we believe that that is not the type of
24 convenience that is absolutely essential to a successful
25 recycling program.

1 So we would strongly urge that this Committee
2 reconsider an amendment to the regulations that does in
3 fact require that any approved collector in the system --
4 and if that they don't want to collect all materials, they
5 can collect outside of the system -- that that be a
6 condition of participating in the payment system.

7 Now, staff has suggested one of the reasons that
8 they don't want to do that or they're not prepared to
9 recommend that is that they say the statute doesn't
10 explicitly authorize it. Certainly that is very clear.
11 There's nothing explicit in the statute that would require
12 that. Nonetheless, I would submit to you that as a
13 regulatory agency, that statute told you to do a certain
14 thing, which was to create a convenient recycling system.
15 So if you can conclude that that type of requirement is
16 reasonably necessary to achieve that purpose, then I think
17 you can make a very compelling argument to the Office of
18 Administrative Law that such a regulation is reasonably
19 necessary to effectuate the purpose of the statute.

20 And even in the worse case, if in fact -- and,
21 frankly, I'm quite confident that Bob could successfully
22 make such an argument. But even in the worse case, if
23 your staff were unsuccessful when making that argument,
24 the Office of Administrative Law would just tell you you
25 don't have the authority in statute to do that and require

1 you to delete that from the regulation.

2 So we would again strongly urge that you consider
3 such an amendment.

4 Thank you. And I'd be happy to answer any
5 questions.

6 CHAIRPERSON PAPARIAN: Board Member Marin.

7 COMMITTEE MEMBER MARIN: Mr. Chairman, it's not
8 necessarily to him. I understand what he's saying, and I
9 know staff attempted to deal with that. But my question
10 is: This is not singularly of San Luis Obispo; if he's
11 raising the question, he raises the question for all of
12 the entities throughout the state; that would be all of
13 the cities, all the jurisdictions that deal with this,
14 right?

15 Has anybody else expressed -- anybody from the
16 League or any other local agencies expressed any or
17 similar concerns?

18 BUSINESS RESOURCE EFFICIENCY SUPERVISOR HUNTS:
19 Not to our knowledge.

20 COMMITTEE MEMBER MARIN: Okay.

21 CHAIRPERSON PAPARIAN: Our next speaker will be
22 from the League.

23 COMMITTEE MEMBER MARIN: Oh, good.

24 CHAIRPERSON PAPARIAN: So I don't know if she'll
25 be prepared to speak about this item, but I know that

1 she's here.

2 Any other questions?

3 Okay. Yvonne Hunter representing the League of
4 Cities.

5 MS. HUNTER: Good afternoon. Yvonne Hunter,
6 League of California Cities.

7 I hadn't planned on commenting on John's issue.
8 But since the Chair has asked, I have not heard about it
9 from anyone else. Which of course doesn't mean that
10 someone out there doesn't have the concern. But the folks
11 that are implementing these programs on the ground, when
12 there have been really big issues, they have not hesitated
13 to share the concerns.

14 It did not come up, I don't think, Jeff, at the
15 workshop where there were a lot of folks, right?

16 And it just dawned on me -- and this is not to
17 say that what San Luis Obispo has raised is a legitimate
18 issue. From their perspective, clearly it is. But it
19 just dawned on me that there may be some local government
20 collectors, for all the reasons Jeff raised, that are not
21 set up to collect every single item and really only wants
22 to collect a subset. So they could be guilty of the same
23 situation that John Cupps says others are, competition.

24 So if it turns out that it is a major issue, then
25 I think it's an appropriate issue to be discussed in the

1 legislative arena. But we don't have any position on it
2 one way or the other. But we haven't heard from anyone.

3 What I did want to just touch on is an issue that
4 we had spent a lot of time with staff talking about. And
5 I just want to let everyone know that from our perspective
6 it's resolved nicely. And that was how to write the
7 regulation to implement the part of the law that says you
8 have to provide a cost-free and convenient opportunity.

9 The draft regulations had said an ongoing free
10 opportunity. Was that how it -- or a free opportunity.
11 And that to me meant it has to be always free, which
12 clearly -- I hope it is always free. We all do. But if
13 for whatever reason the cost reimbursement isn't
14 sufficient, local government needs to have the opportunity
15 to charge a fee. And the way this language is written, I
16 think it's -- you need to provide an opportunity --
17 cost-free opportunity. That may be one a year. Some
18 jurisdictions may be able to do it more.

19 So we're very comfortable with how staff revised
20 the language. And thank you very much.

21 CHAIRPERSON PAPARIAN: Okay. Thank you.

22 Okay. Actually that's all the speaker slips I
23 have for this item.

24 Questions, comments?

25 Board Member Mulé?

1 Oh, I'm sorry.

2 Okay. Why don't you come to the microphone and
3 identify yourself for the record.

4 MR. PROTO: I'm a little shorter. I'll have to
5 use this one if it's working.

6 Board members and staff. My name is Ronald
7 Proto, and I represent E-Recycling of California.

8 I hadn't really intended to speak because I
9 thought someone might bring this up. And, that is, just
10 to thank the staff and Board Member Paparian for all the
11 effort that they put through on these regulations. To say
12 that early on the stakeholders meetings were contentious
13 is an understatement. And I think they handled themselves
14 exceptionally well.

15 All of us that are stakeholders in here didn't
16 really understand everything that was happening. And it
17 wasn't until sometime in the 11th hour that things came
18 together and we started to understand the formula. And
19 that whole thing was cast aside for something that was put
20 in that was a whole lot easier for us to assimilate and to
21 deploy. So I wanted to thank them.

22 And now that the issue has been raised about
23 being required to accept all CW's, I don't think it's a
24 good idea without the dialogue between all the
25 stakeholders. And it's something that can be corrected,

1 as Yvonne said, going forward.

2 E-Recycling of California supports the
3 regulations, knowing full well that they're the beginning,
4 that they need no be honed, they need to be shaped, and
5 going forward they'll be something that everybody can work
6 with.

7 So thank you very much to the staff and Board
8 Member Paparian.

9 CHAIRPERSON PAPARIAN: Thank you very much. And
10 I think the whole process was, you know, the Board at its
11 best, and all the stakeholders and our staff willing to
12 come up with the best solutions that they could come up
13 with.

14 Board Member Mulé.

15 COMMITTEE MEMBER MULÉ: Thank you, Mr. Paparian.

16 I just want to make a comment.

17 John, I appreciate your concerns with wanting a
18 requirement to have all collectors collect all items that
19 are on the list. But I'm thinking, we haven't even
20 started the program yet, so we don't know how -- really
21 how it's all going to work.

22 And so I just wanted to ask staff for their input
23 on this and how -- you know, your thoughts, your position
24 on this. Because I'm thinking that I would prefer that --
25 we don't know that it's an issue yet. But let's try to

1 work through it. And as Mr. Proto said, we know we're
2 going to need to update these regs. We all know that. I
3 mean we are once again blazing the trail for the country
4 with E-waste recycling. And so I think that it's
5 important that we -- you know, we do what we're setting
6 out to do and move forward with it. And then we can
7 always amend the regulations if there are any issues.

8 So, staff, if you have anything to comment on
9 that, I'd appreciate it.

10 STAFF COUNSEL CONHEIM: Ms. Mulé, Mr. Chair, I'm
11 Robert Conheim from the Legal Staff.

12 Mr. Cupps' argument actually provides us some
13 guidance on what we ought to do. We're going to get cost
14 reports. We're going to see how the program works. It's
15 at that point that we can adjust.

16 We really can't adopt a regulation to fix a
17 problem that we don't know exists. We'd have a hard
18 time -- even if we had the statutory authority, we'd have
19 a second hard time getting it through because we don't
20 have any evidence yet.

21 But Mr. Cupps fairly raises what could be a
22 significant issue. And we're certainly going to watch for
23 it in the cost reports and in other evidence in our audits
24 and how the program operates. And to the extent that we
25 can get a fix on the problem, if it exists, we'll work

1 with Mr. Cupps and with the Board members and with the
2 Legislature or with the Office of Administrative Law to
3 figure out the right solution to this problem.

4 COMMITTEE MEMBER MULÉ: Thank you.

5 CHAIRPERSON PAPARIAN: Board Member Marin.

6 COMMITTEE MEMBER MARIN: No, I would agree and I
7 would concur with Ms. Mulé. As much as I appreciate the
8 anticipation or trying to prevent a problem -- I
9 appreciate that. I understand what Mr. Cupps is saying.
10 He can foresee that there will be some cherry picking.
11 That may be the case. That may not necessarily be the
12 case. We really don't know. And I think that the desire
13 right now is to move forward, look for that cherry
14 picking, if in fact it exists, and then attempt to deal
15 with that at that time.

16 He may be prognosticating a real problem. But
17 until we have one -- and then I think that Yvonne raises a
18 very good question for local jurisdictions, where they may
19 in fact -- we would be subjecting them -- they would be
20 guilty of something for which they really have no
21 resolution. So I appreciate Mr. Cupps, I appreciate his
22 concern. But in fact we may be creating a problem where
23 none exists. I think we need to move forward and be
24 watchful of that, Mr. Chairman. And if in fact it's a
25 problem, then at that point in time fix it.

1 CHAIRPERSON PAPARIAN: Okay. Yeah, I'm
2 sympathetic to the concern. But, you know, I think we do
3 need to take a look at what does happen in the real world.
4 But I think we need to keep a very close eye on it. If
5 there turns out to be a problem, I think we may want to
6 jump on it very quickly as the program's getting off the
7 ground. So if we find in January and February that we
8 have a disparity in the types of collection that make it
9 truly inconvenient for people to find a location to take
10 their stuff to because someone's cherry picking, we may
11 need to take a look at that and very quickly look for a
12 fix.

13 COMMITTEE MEMBER MARIN: And then we have Mr.
14 Cupps say, "I told you so."

15 CHAIRPERSON PAPARIAN: He might.

16 COMMITTEE MEMBER MARIN: And we'll all
17 acknowledge him.

18 CHAIRPERSON PAPARIAN: Okay. Anything else?
19 Board Member Mulé.

20 COMMITTEE MEMBER MULÉ: With that I'd like to
21 move approval of Resolution 2004-275.

22 CHAIRPERSON PAPARIAN: And I'll second that.
23 So we have a motion and a second.
24 We can substitute --

25 COMMITTEE MEMBER MARIN: I seconded that. Mr.

1 Chairman, you heard me. I did second that.

2 CHAIRPERSON PAPARIAN: Oh, you did?

3 COMMITTEE MEMBER MARIN: Yes.

4 CHAIRPERSON PAPARIAN: Okay. We all did.

5 We have a motion and many seconds.

6 We'll substitute the previous roll call.

7 Madam Chair, the question of whether we should
8 put this on the Board agenda also, given importance in
9 nature of it, or whether we should put it on the consent
10 calendar?

11 Looks like Mr. Conheim wants to jump in on that
12 question.

13 No?

14 STAFF COUNSEL CONHEIM: No.

15 COMMITTEE MEMBER MARIN: I believe it can go into
16 the consent calendar. I don't know -- unless there is a
17 necessity to have Board -- Marie, is there a reason, legal
18 reason because there's regulations that they need to be
19 discussed at the full Board?

20 CHIEF COUNSEL CARTER: This is a consent item.
21 You could put it on consent.

22 Pardon me. It is a consideration item. So you
23 could put it on consent. And by voting on the consent
24 calendar, the full Board would approve.

25 CHAIRPERSON PAPARIAN: Okay, so it would go to

1 the --

2 STAFF COUNSEL CONHEIM: Mr. Chair?

3 CHAIRPERSON PAPARIAN: Yes.

4 STAFF COUNSEL CONHEIM: You are making findings
5 now through this resolution. So that as long as that's
6 carried over -- there are certain findings you have to
7 make in order adopt to regulations. And we've tried to
8 structure the resolution so that you're making them now.
9 So in echoing Ms. Carter's statement to you, you're
10 protected and you can put this on consent.

11 CHAIRPERSON PAPARIAN: Okay. So it would go on
12 consent if we -- if any of us hear, you know, that there's
13 some strong concern about the regulations, I think, you
14 know, any Board member could be approached and we would,
15 you know, pull it off of consent so that that concern
16 could be heard. Otherwise we'll have it on consent.

17 Okay. I think that covers it for your division.

18 DEPUTY DIRECTOR WOHL: Correct.

19 Mr. Schiavo.

20 Mr. Schiavo, are you going to have a Deputy
21 Director's report, or are we going to go right into the --
22 you're going to have a Deputy Director's report?

23 DEPUTY DIRECTOR SCHIAVO: I'm going to do a
24 report.

25 Good afternoon. Pat Schiavo of the Diversion,

1 Planning and Local Assistance Division.

2 I'd like to start out by discussing our AB 75 or
3 State Agency Diversion Program efforts.

4 Of the almost 400 state agencies that have
5 reported to us in 2004, we will be completing the reviews
6 of about 250 of those. And you'll be seeing results of
7 that effort later this week, early next week. Through
8 staff's diligent efforts we were able to accelerate the
9 process to get that many of them completed for you. So
10 that's going very well.

11 We're continuing to move forward with our efforts
12 to integrate the State Agency Buy-recycled Campaign into
13 our program. And a couple highlights I'd like to present
14 to you: One is we're continuing to work towards
15 development of a 100 percent web-based application
16 process. That should accelerate application processing.
17 We're also having extensive discussions with the
18 Department of General Services to enhance our data
19 gathering efforts. And ultimately what we want -- what
20 we're striving for is to have realtime data available
21 regarding purchases. Let's hope that's successful as
22 well.

23 On October 27th of this month, staff hosted a
24 workshop in southern California. And this was our second
25 workshop regarding the alternative adjustment factors.

1 There's a lot of discussion regarding economic data and
2 the availability and analysis of that. We anticipate
3 having a follow-up discussion in January. And so between
4 now and January staff are going to be doing an analysis of
5 that economic data.

6 And then on November 30th, in Long Beach, and
7 December 2nd, in Sacramento, we'll be having our second
8 and third workshops regarding alternative compliance
9 methods. And we're working right now to provide data for
10 jurisdictions. We're hoping to get out -- notification
11 information out within the next week and a half. And it's
12 a tight timeframe because of the holidays.

13 And then I'd like to mention that the Governor
14 recently signed into law AB 2176 regarding large public
15 venue efforts. And it has several requirements for the
16 Board and local jurisdictions. Staff is moving forward
17 diligently on those. We've already created some models.
18 And what we'd like to do is present to you our efforts to
19 date regarding implementation of that law at next month's
20 Committee meeting. So that will be -- you'll be seeing
21 more of that.

22 And at next week's Board meeting I'm going to
23 give us a little bit of a -- well, highlights of staff's
24 effort in coordination with Public Affairs Office at the
25 Best Buddies event that was -- it was a very successful

1 event from all perspectives. It was hosted by First Lady
2 Maria Shriver and her brother Anthony. It was successful
3 for what they were promoting. It was very successful in
4 the diversion. And staff did a wonderful job on that,
5 I've heard.

6 And then, finally, on December 8th we're going to
7 be hosting a workshop on food waste diversion at large
8 public venues. And we're going to be sharing information
9 with jurisdictions. And we're going to have speakers that
10 have actually been very involved in food waste diversion
11 efforts. And on Item 8 today we're going to give you an
12 overview as far as a successful program down in Indian
13 Wells.

14 So that concludes my presentation. Are there any
15 comments?

16 CHAIRPERSON PAPARIAN: Any questions?

17 No.

18 Thank you.

19 Okay. Now, you're going to go into Item 7 or
20 item F, I believe it is. On the Board --

21 DEPUTY DIRECTOR SCHIAVO: Committee Item F.

22 CHAIRPERSON PAPARIAN: Committee Item F, which is
23 the discussion and request for rulemaking direction on
24 extending 45-day comment period for the proposed
25 regulations related to the disposal reporting

1 requirements.

2 I've talked to some of the affected industry.

3 And I'm sure other Board members have too. And there's --

4 I know there's a request from the industry that we have

5 another 45-day comment period. I'm very sympathetic to

6 having another 45-day comment period, allowing them

7 additional review that they're asking for, you know, and

8 the type of interchange that happens with that.

9 So the reason I'm mentioning that now is it may

10 affect how long a presentation you want to have on this

11 now. And for the stakeholders who are here who want to

12 comment on this item -- we have a letter and several

13 people who want to speak -- it may affect that too.

14 Because if we're going to have another 45-day comment

15 period, there will be a much longer opportunity to have

16 some input into what's before us.

17 DEPUTY DIRECTOR SCHIAVO: Yeah, the item today is

18 about a dozen slides focusing on requesting an additional

19 45-days, not getting so much into the content of the

20 regulation. So your pleasure.

21 CHAIRPERSON PAPARIAN: Yeah, go ahead and proceed

22 with that.

23 DEPUTY DIRECTOR SCHIAVO: Okay. Well, since you

24 already mentioned what the item is, Diane Shimizu will be

25 making the presentation regarding this item.

1 (Thereupon an overhead presentation was
2 Presented as follows.)

3 MS. SHIMIZU: Good afternoon. I'm Diane Shimizu
4 of the Disposal Reporting Section.

5 Since it's been quite a while since the
6 presentation of the regs, we'd like to begin with a brief
7 review of the rulemaking process to date. And we'll be
8 requesting Board direction at the end.

9 --o0o--

10 MS. SHIMIZU: SB 2202 required the Board to
11 convene stakeholder working groups to examine disposal
12 reporting system accuracy issues. The Board broadened the
13 scope to include the entire goal measurement system.

14 There were extensive opportunities for public
15 input during the SB 2202 process. These proposed revised
16 regulations reflect recommendations contained in the SB
17 2202 report to the Legislature.

18 --o0o--

19 MS. SHIMIZU: In November 2002 the first informal
20 draft revised DRS and adjustment method regulations went
21 out for publicly review and comment. Staff sent notice to
22 about 2,000 interested parties and conducted a total of
23 six workshops on this draft.

24 In June of 2003 a second informal draft was sent
25 for review and comment, and an additional two workshops

1 were hold.

2 In November 2003 staff received Committee
3 approval to start the formal process with the 45-day
4 comment period. The regulations were noticed on September
5 3rd, and October 18th marked the close of the comment
6 period as well as the public hearing date.

7 --o0o--

8 MS. SHIMIZU: Based on extensive input received
9 during the informal process significant changes were made
10 to the proposed regulations.

11 It should also be noted that the proposed revised
12 DRS regulations are formatted so participants in the
13 system can easily see the requirements that apply to them.
14 Many of the existing requirements are repeated for each
15 type of participant, so this regulation package is longer.

16 --o0o--

17 MS. SHIMIZU: Changes were made to several areas
18 of the regulations. And if Board members have questions,
19 staff will be happy to provide additional information.

20 --o0o--

21 MS. SHIMIZU: During the formal regulations
22 process, in the required 45-day comment period staff
23 received a 11 written comment letters and E-mails and
24 heard testimony from four speakers at the public hearing.
25 Several requests, as you know, were made for an additional

1 45-day review on the package.

2 --o0o--

3 MS. SHIMIZU: Some stakeholders have suggested
4 that DRS regulations revisions be tabled, appending a
5 review of the review process -- pending the completion of
6 the review process on AB 939 compliance system
7 alternatives. Staff does not support this proposal to
8 delay the implementation of DRS regulation revisions. The
9 implementation of any potential AB 939 compliance systems
10 could be years away. Staff believes the DRS revisions are
11 necessary as soon as possible since jurisdictions will
12 still be using the current system.

13 Many stakeholders have devoted a great deal of
14 time and effort in making recommendations to improve DRS,
15 during the November 1999 the DRS workshop, the SB 2202
16 process, and this rulemaking process. Delaying the
17 regulations would undermine these efforts and may
18 discourage continued involvement.

19 --o0o--

20 MS. SHIMIZU: Staff received comments from
21 jurisdictions and agencies requesting more detailed
22 reporting in some areas and less detailed tracking and
23 reporting in other areas. Based on one of the comments,
24 staff proposes to amend the proposed regulations to reduce
25 the quarterly reporting of facility methods. In terms of

1 providing enforcement provisions and reducing the emphasis
2 on numerical compliance, statutory changes and/or Board
3 policy changes would be required. And these are outside
4 the scope of this regulations package.

5 --o0o--

6 MS. SHIMIZU: Industry raised several issues.
7 The first two on this slide were discussed earlier.

8 Additionally some industry representatives
9 requested less burdensome requirements. They also
10 expressed concern that accuracy of DRS is not reasonable
11 with the focus on tracking individual jurisdictions. As
12 part of the rulemaking process, staff will consider
13 specific proposals if offered.

14 --o0o--

15 MS. SHIMIZU: The inclusion of landfill capacity
16 related reporting with DRS is to gain more current and
17 accurate data than is obtained currently in the permit
18 process in order to allow the Board to estimate remaining
19 landfill capacity on a statewide basis as directed by the
20 State audit.

21 Many self-haul issues are not related to weighing
22 or the frequency-of-origin surveys. For example,
23 landfills that charge differential rates or that only take
24 waste from specific jurisdictions create an incentive for
25 haulers to provide inaccurate origin information to use

1 the facility and/or to obtain a lower disposal rate. More
2 stringent weighing and/or more frequent origin surveys for
3 these haulers would not correct for these localized
4 problems.

5 During the informal process staff proposed
6 changes to require collection of additional data from
7 larger commercial self-haulers such as roofers,
8 landscapers, et cetera, in an attempt to obtain more
9 accurate data.

10 Self-haul was also covered as a sub-topic during
11 two focus workshops held in March of 2003.

12 Stakeholders made it clear that these added
13 requirements were too burdensome and would do little to
14 increase the accuracy of origin data provided by these
15 haulers. Riverside County even assisted Board staff with
16 a two-day feasibility study of collecting the additional
17 information at two different landfills. And based on the
18 feasibility study, staff concluded that the requirements
19 to report additional origin information did not result in
20 improved accuracy, and the requirements for obtaining this
21 additional information were dropped.

22 --o0o--

23 MS. SHIMIZU: The options for the Committee today
24 are listed up on the board. But I'll skip to the staff
25 recommendation.

1 Staff recommendation is Option No. 2 in the
2 agenda item, to have another 45-day review and comment
3 period that allows comments to be made on all portions of
4 the text.

5 This concludes staff presentation. Are there any
6 questions?

7 CHAIRPERSON PAPARIAN: Any questions before the
8 speakers?

9 Okay. First speaker is Doug Kobold with
10 Sacramento County.

11 MR. KOBOLD: Good afternoon. Again, my name is
12 Doug Kobold from Sacramento County. I've been in the
13 garbage industry for about 12 years now. I'd like to say
14 my life has been trash for the last 12 years.

15 I've been deeply involved with the SB 2202
16 working group process since early 2002, serving on the DRS
17 working group; serving on the synthesis group; and
18 currently now serving on the adjustment method group, a
19 work group that's going on now; and also participating in
20 the alternative methods.

21 The regulations as they are proposed in the
22 opinion of the sacramento County are fine. Staff has
23 worked hard and long, and all of the stakeholders have
24 worked long and hard on getting these regulations to where
25 they are today.

1 The comments from industry, they had those
2 chances. This has been over a three-year-long process.
3 Several of those folks that are involved in the industry
4 have been there, been able to comment, helped to guide the
5 staff in drafting these regulations.

6 Currently in Sacramento County, we have just
7 about every part that is in these regs already in place.
8 But we had to do it through local ordinances in order to
9 get the accuracy that we felt was appropriate. So we
10 already have all of our facilities within this region
11 reporting daily origin survey for every load from every
12 type. We have not found it to be burdensome. The
13 hauler -- the facility operators have embraced it and
14 realize that they are getting more accurate information.

15 The other part -- the Sacramento County is part
16 of a solid waste authority, which is made up of
17 unincorporated Sacramento County, the City of Citrus
18 Heights, and the City of Sacramento. This solid waste
19 authority has a non-exclusive franchise system with the
20 commercial haulers in the area.

21 These haulers are required also to track
22 jurisdictional origin of every load they haul within their
23 system, because they have diversion mandates they must
24 meet and they have to report the same disposal
25 information. So at least in our area they've already been

1 set up to do what is being asked of them by these
2 regulations. And I have not heard a lot of complaining
3 about what has been required of them.

4 I am the DRS coordinator for Sacramento County.
5 I'm going to feel the pain from the additional
6 regulations, but I think it is appropriate. I think that
7 the accuracy is going to be crucial to anything we do
8 moving forward. The adjustment is based solely -- it's
9 based on the DRS waste allocations. So is the
10 generation-based accounting method. So all these biennial
11 reviews that you will be seeing in the coming months work
12 off of those allocations. We need that to be accurate.
13 Postponing this for another 45 days would not seem to be
14 too advantageous.

15 I would ask also that the board consider adding
16 one additional item into the draft regulations. Where the
17 commercial haulers are required to report to the cities on
18 a quarterly basis their disposal allocations, that they
19 also send that same report to the counties, because the
20 counties are the agencies that are in charge of doing the
21 DRS reporting and combining all that information.

22 At it states right now, the haulers would report
23 to the cities individually, and then also report to the
24 transfer stations or to the landfills. Transfer stations
25 would report to landfills. Eventually all of this

1 information gets back to the DRS coordinators in some
2 aggregated fashion.

3 I think in order to avoid any potential error in
4 the reporting that gets filtered down through the transfer
5 station and through the landfills back to the DRS
6 coordinators, it would be better that these regulations
7 require those haulers who are already generating these
8 reports to also send them to the county DRS coordinators.

9 We found through our ordinances that there has
10 been improved accuracy in our ordinances, in our daily
11 origin survey reporting, with very little cost
12 implications.

13 So we are in support of the recommendation.
14 However, we would ask that the Board also consider going
15 straight to the 15 day and getting this process on track,
16 keeping it moving. There is plenty of time to go back and
17 make changes as necessary through the other two groups
18 that are going on right now, between the adjustment method
19 working group and also the alternatives group.

20 That's the end of my comments.

21 CHAIRPERSON PAPARIAN: Okay. Thank you very
22 much.

23 Now, let me just ask the staff. He's requesting
24 a change in the regulations in order to get comment on
25 that change. It would seem that we would potentially put

1 it in the new draft that we put out there. But how does
2 staff feel about making that change? Do you have any
3 response?

4 DISPOSAL REPORTING SECTION SUPERVISOR SALA-MOORE:
5 Sherrie Sala-Moore with the Disposal Reporting
6 Unit.

7 I believe staff could craft a language and work
8 with our Legal Department to get that incorporated into
9 the package.

10 CHAIRPERSON PAPARIAN: Okay. Yeah, that's if
11 we're going out for additional public comment.

12 My inclination -- and I'm not saying I support or
13 oppose that section right now. But my inclination would
14 be if it's possible to put it in the regs, so that people
15 who are commenting on the draft see the language and could
16 comment on it, you know. And if it works, fine. If
17 there's some concerns about it, that should be raised then
18 during that process.

19 Okay. Thank you.

20 Next, Sean Edgar. I think we have a letter from
21 Sean also.

22 MR. EDGAR: Good afternoon, chairman Paparian and
23 Committee members. Sean Edgar on behalf of the California
24 Refuse Removal Council.

25 I'd just like to reference our November 1 letter

1 that you have before you. And I won't go into much detail
2 other than to say that we're amenable to extending on
3 another 45-day comment period to flush out some of these
4 issues.

5 We find that a lot of consensus issues that
6 happened as a workshop, we need to do more work on the
7 self-haul waste stream and perhaps some of the transfer
8 station reporting issues. To a large degree many of our
9 members already report to the level that the draft
10 regulations are already proposing.

11 We heard your staff say that any -- likely the
12 discussion of alternatives to the current compliance
13 system we have is years away. I think we heard Ms.
14 Shimizu say that.

15 So we're interested -- time is of the essence to
16 move this forward as expeditiously as possible. However,
17 we're amenable to taking a little bit more time. And
18 hopefully one more 45-day process will shepherd this
19 along.

20 So thank you very much.

21 CHAIRPERSON PAPARIAN: Okay. Thank you.

22 George Larson representing Waste Management.

23 MR. LARSON: Chairman Paparian and members.

24 George Larson, as you noted, Thank you, representing Waste
25 Management.

1 I feel comfortable too that my comments too will
2 also reflect the position of NorCal Waste Systems on
3 behalf of Donald Gamelin and Allied BFI, Chuck Helget.

4 You did receive a letter, it was directed to the
5 Chair on October 18th from those three companies,
6 reflecting some concerns that we did bring in individual
7 meetings with you and your staff, Committee members and
8 staff, outlining a number of points. Let me say first
9 that we do support staff's recommendation to go out for
10 another 45 days. We feel that's a reflection of their
11 willingness to work with us. And we commend them for the
12 hard work, as the length of this regulatory package
13 reflects. It's a very complex and detailed enhancement of
14 an already complex reporting system. And that's part of
15 our problem, is the size of the package.

16 And it is broken into two parts primarily. One
17 is changes to the adjustment method. And the second part
18 is on the DRS. We feel it would be most advantageous if
19 the Board and Committee would consider splitting these two
20 issues, move forward on the schedule that you have set
21 forth on the changes to the adjustment methodology and
22 table the disposal reporting system until we have an
23 opportunity to have more time to make input. And I'd like
24 to address the issue of whether or not this is a
25 last-minute or an 11th-hour comment.

1 We have a number of issues -- and Chuck White of
2 Waste Management served on the 2202 committee. We have a
3 number of issues that we've raised over that two or three
4 year period that have really not shown up in any
5 significant manner in revisions to the regulations that we
6 feel makes our job much more complex.

7 So, again, we endorse the additional period.
8 We'd hope that we could expand the scope of what we might
9 talk about. We do have ideas. I know when you hear
10 people come up here and want to delay final action on
11 something, you want something brought to the table that's
12 substantive that can be considered in lieu of what we're
13 raising concerns about. And I think there are -- if we do
14 expand our approach to this to come up with new and
15 innovative ideas that are more focused on program
16 development than additional what's been termed "bean
17 counting," we can end up with more productive programs in
18 the state that actually result in the diversion of more
19 materials than the shuffling of additional papers.

20 And some of those ideas might be to create a menu
21 of types of programs that might be used by local
22 government and let them select among that menu. And give
23 each of the different type of activity a value, if you
24 will. For example, curbside might carry a higher value
25 than source reduction. So if a jurisdiction picks from

1 the menu certain activities, they must meet certain
2 minimum requirements in terms of points. And if their
3 disposal increases, then the Board could go into that
4 jurisdiction and do an examination of what the situation
5 is that would cause increased disposal.

6 We think there's a lot of ideas that could be
7 aired rather than just adding to the reporting
8 requirements.

9 And then I think, finally, just as a favor, if
10 you could make the deadline for submittal of comments for
11 the additional 45-day period some time after the first of
12 the year, hopefully January 15th or later, so we can do
13 Christmas and New Years too.

14 CHAIRPERSON PAPARIAN: I knew that was coming.

15 MR. LARSON: I'd be glad to answer any questions.

16 CHAIRPERSON PAPARIAN: Any questions?

17 Ms. Marin.

18 COMMITTEE MEMBER MARIN: Mr. Chair, I have done a
19 lot of research because when I received the letter with
20 three signators, so Obviously these are the biggest
21 haulers in our -- in our state, so I asked for some
22 information as to what was the history behind this. I
23 needed a little bit more context. Coming to find out that
24 actually there's a lot of work -- a long time that a lot
25 of people have worked on this.

1 I was really -- I questioned why now we're asking
2 for 45 more days, since they've been working since 2000
3 and this has been out there. So trying to understand
4 more, I did a little bit more research. And I found out,
5 to my amazement, that when there were opportunities for
6 input, many of the same signators had no comments. And,
7 you know, I can tell you back in November 2001, I have
8 here public comments and no industry comments were
9 received. March 2002, no industry comments were received.

10 So I am concerned that Mr. Larson, is it, that
11 he's saying that their comments were not being included in
12 what was happening.

13 So I don't know. I'm looking at the documents
14 here that are from this Board. And industry apparently
15 had no comments and now they're saying they did and they
16 were not reflected. So that's a concern.

17 I did a little bit more research and found out
18 that many facilities across the state currently are
19 exceeding minimum serving requirements. So this
20 information is already being produced by these same
21 companies for some very specific jurisdictions. So then
22 the question for me is: Okay, if they can be produced for
23 one, why can't they be produced for the other?

24 And I'd like to be enlightened about that.
25 Because if these requirements are already there from a

1 number of jurisdictions, it would seem to me that it would
2 be very easy to compile for other jurisdictions. But I'm
3 not in that business, Mr. Chair.

4 So my concern -- and I was very methodical about
5 the information that I requested. And I, quite frankly,
6 don't -- I'm not opposed to granting the 45-day extension
7 at all. I would be very supportive. What I would want in
8 return for those 45 days is very specific information as
9 to how we're going to ensure that these regulations become
10 regulations.

11 And I certainly will give the benefit to these
12 wonderful industry players in our state. I will give them
13 the benefit of the doubt. But I want some meat. I don't
14 want a delay after delay after delay. This can be done.
15 This is being done. What can we do to ensure that that is
16 done statewide? I am very willing, ready and able to work
17 with them hand in hand. But I really think that it's time
18 to move forward with this.

19 I have no problem with the 45 day. But I don't
20 want the 45-day extension to then produce another 45 day
21 and 50 more days and 60 more days and more workshops
22 and -- I think that there has to come a time when we say
23 it's enough, from 2000 on it's enough, it's 2004 now.

24 Thank you, Mr. Chairman.

25 CHAIRPERSON PAPARIAN: Thank you.

1 Board Member Mulé.

2 COMMITTEE MEMBER MULÉ: Thank you, Mr. Paparian.

3 I guess -- I reviewed the letter that we got from
4 the industry members, and I did meet with the three
5 companies that signed the letter. And I'm just going to
6 be very frank. I mean I was told that they did provide
7 input repeatedly on many occasions, but their comments
8 were not incorporated into the updated regulations.

9 All that being said, that's neither here nor
10 there. I just think that the issue -- when I looked at
11 these regs, I looked at -- we got signage requirements, we
12 got scale requirements, we've got training requirements,
13 we got origin survey requirements. And they're all good
14 things. They're all really good things.

15 But when it comes down to it, is it really going
16 to improve the accuracy of disposal reporting? And I've
17 had many conversations with staff. And staff knows that
18 the problem is not with the franchised haulers or your
19 small, medium, large companies. It's not with the members
20 of CRRC. They have been reporting properly for years and
21 continue to do so.

22 The problem is with the self-haulers. That's
23 where the issue is. And when that self-hauler pulls into
24 a landfill and they ask where you're from, you don't get
25 accurate information. Because they'll say, "I'm from

1 Murietta," when in fact they're not from Murietta.

2 They're from unincorporated Riverside County.

3 So I think these regs are good, but I don't think
4 that we're going to accomplish what we set out to
5 accomplish. I think we really need to focus, as Sean had
6 mentioned in his letter, on the self-haul issues and how
7 do we resolve that issue. And that's where the problem
8 is, Rosario and Mike.

9 COMMITTEE MEMBER MARIN: Then help me understand.
10 The self-hauling, if that is an issue, why is it that the
11 three largest companies are the ones that are raising all
12 the other issues?

13 COMMITTEE MEMBER MULÉ: Because that's -- well
14 because they're already doing a lot of what they're doing,
15 a lot of what --

16 COMMITTEE MEMBER MARIN: Aren't they responsible
17 for 80 percent of -- self-hauling is only 20 percent,
18 right, of --

19 COMMITTEE MEMBER MULÉ: It depends. Not in L.A.,
20 and L.A.'s your largest market area for waste. So I
21 mean -- and that's what I'm saying. We really haven't
22 addressed the issue of reporting accuracy. And training
23 people may help, but it may not help. I mean, again,
24 these are all good things. But to require all this
25 additional -- in addition to, I think we're overlooking an

1 important issue, which is the self-haul issue, which again
2 is readily admitted by everyone including CRRC here.
3 That's an issue, and that --

4 COMMITTEE MEMBER MARIN: So there are two
5 different issues.

6 COMMITTEE MEMBER MULÉ: But that's what we
7 need -- no, that's the issue that really impedes us from
8 an accurate disposal reporting system. And that's what we
9 really need to look at. And how do we address that? I
10 mean I've had discussions with CRRC and with the other
11 haul -- I mean how do we address that? I've had numerous
12 conversations with Riverside County and other entities.
13 How do we --

14 COMMITTEE MEMBER MARIN: They're doing it, right?
15 Riverside County's doing it.

16 COMMITTEE MEMBER MULÉ: But how do -- no, but
17 even their report -- they'll admit it's not accurate. A
18 self-hauler comes in, you say, "Where are you from?" "I'm
19 from Corona." They're not from Corona. That load is from
20 unincorporated Riverside County. SO how do you account
21 for those --

22 COMMITTEE MEMBER MARIN: Ask them for their
23 driver's license.

24 COMMITTEE MEMBER MULÉ: It doesn't -- well, even
25 if their address says Corona, it still may be

1 unincorporated Riverside County.

2 So I'm just -- I'm bringing all this about
3 because I just want to make sure that we address some of
4 the real issues that are out there, and that we're not
5 putting regulations in place that aren't going to
6 accomplish what we want to have accomplished. That's all
7 I'm saying.

8 And so with that, I will support the 45-day
9 additional comment period.

10 COMMITTEE MEMBER MARIN: I want to understand
11 this. Okay, wait a minute.

12 So what is it that we're attempting to do here
13 then? Are we -- so what is the 45-day period going to do?
14 So that we are very clear, what is this going to get us?
15 Is this going to get us the answer that you're seeking?
16 And, therefore -- because -- are we going to resolve this
17 issue within the next 45 days?

18 COMMITTEE MEMBER MULÉ: I don't know.

19 CHAIRPERSON PAPARIAN: Yeah, let me --

20 COMMITTEE MEMBER MARIN: Then what is the point
21 of having the 45-day extension?

22 CHAIRPERSON PAPARIAN: I think some members of
23 industry in particular felt that they wanted more time --
24 it's a fairly thick packet -- they wanted more time to
25 understand it and comment on it. And that's what -- I'm

1 sympathetic to allowing that to happen.

2 There are some issues out here though, as you
3 rightfully note, there are questions about whether they
4 should be narrowed or refocused. There are issues about
5 whether they should be narrowed because there's another
6 discussion parallel going on that could result in
7 legislation at some time in the future, that could result
8 in changes about, you know, the fundamental reasons we
9 have the disposal reporting system.

10 So there are some complicating factors there.

11 My inclination would be this 45-day period is to
12 get comments on the words we have on paper now plus the
13 few more that are going to be added. And we come back.
14 And as you say, Madam Chair, fairly quickly, you know,
15 look at those comments, look at the regulations and get
16 them moving.

17 My own feeling is that there are some problems
18 with the existing system. These regulations are intended
19 to improve the existing system and at the same time
20 correct some of the problems that are out there.

21 And I think it's -- you know, it's incumbent on
22 us to do that and seek to do that even if there's this
23 discussion about possible legislation in the future,
24 because we don't know if that ever would pass or how long
25 that would take.

1 COMMITTEE MEMBER MARIN: Mr. Chairman, I
2 definitely agree with you. What will happen in
3 legislation and when will it happen is completely and
4 totally separated, in my view, to the issue at hand. So
5 if and when that happens, we will deal with that at that
6 time.

7 What my concern here is -- we have this package
8 of regulations. I would want to make sure to address Ms.
9 Mulé's concern on the self-hauler, that we specifically at
10 that -- somewhere, somehow, that people -- stakeholders
11 interested in this, within this comment period give us
12 very specific, clear suggestions, recommendations as to
13 how we will deal with that. And that I think we kill the
14 two birds with one stone, Mr. Chairman. But that would be
15 the mandate. Because otherwise, Mr. Chairman, we're going
16 to have another 45 day and another 45 day, and we never
17 deal with that particular problem.

18 CHAIRPERSON PAPARIAN: Yeah.

19 Does that work?

20 I'm seeing nods.

21 Okay. So with that discussion, does that give
22 clear enough direction? Another 45 days, incorporate some
23 changes so that they're commented on, and solicit input in
24 particular on this self-haul issue.

25 Okay. Good.

1 WASTE ANALYSIS BRANCH MANAGER VAN KEKERIX: I
2 would like to say one thing. I'd like to thank Diane
3 Shimizu very much. As you may have noticed when she came
4 up, she's going to be leaving us very shortly. We're glad
5 it wasn't during the meeting.

6 (Laughter.)

7 WASTE ANALYSIS BRANCH MANAGER VAN KEKERIX: Diane
8 is a very conscientious worker. She's worked extremely
9 hard on this regs package. She's extremely organized.
10 She's caught every little place where a change ought to be
11 made when somebody makes a suggestion. She writes very
12 clearly. And we don't get very many compliments from the
13 Department of Finance. But they complimented us profusely
14 about her clear, well written description of why the regs
15 were written the way they were.

16 So I'd like to wish Diane the best with her new
17 baby and thank her very much for her work on this regs
18 package.

19 COMMITTEE MEMBER MARIN: We wish her the best as
20 well, Mr. Chairman. And I was afraid that she was going
21 to say she was leaving because she just couldn't handle it
22 anymore after working on these regulations for so long.

23 (Laughter.)

24 COMMITTEE MEMBER MARIN: Congratulations.

25 COMMITTEE MEMBER MULÉ: And thank you all, staff,

1 for your hard work. Because I do know how frustrating it
2 is to come back with regs and then have them rewritten
3 again and rewritten again. And this is a long process.
4 But I feel strongly also that if we're going to do it,
5 let's do it right. So I appreciate your recommendation,
6 Chairman Marin, on addressing the --

7 COMMITTEE MEMBER MARIN: Mr. Chairman, the 45
8 day, when should it begin?

9 CHAIRPERSON PAPARIAN: I Kind of leave that a
10 little bit to staff because they're going to have to work
11 with the Legal Office on some of that language.

12 Did you want to address that, Mr. Schiavo?

13 DEPUTY DIRECTOR SCHIAVO: We also had the request
14 to have them available in mid-January. So we won't have
15 them before that. So the mid-January --

16 CHAIRPERSON PAPARIAN: Have the comment period
17 end by the --

18 WASTE ANALYSIS BRANCH MANAGER VAN KEKERIX: If we
19 started immediately, they could be due just before
20 Christmas. But we'll delay.

21 DEPUTY DIRECTOR SCHIAVO: Yeah, so we're going to
22 wait till mid-January at the earliest.

23 COMMITTEE MEMBER MARIN: Oh they're getting a
24 75-day period.

25 CHAIRPERSON PAPARIAN: Well, mid-January for the

1 deadline for receipt of the comments. The end of the 45
2 days would be at least January 15th.

3 DEPUTY DIRECTOR SCHIAVO: Right.

4 CHAIRPERSON PAPARIAN: Okay.

5 DEPUTY DIRECTOR SCHIAVO: I just wanted to add
6 one other thing. And, again, this deals with Diane and
7 Sherrie. Both of them were very meticulous with comments
8 and input that we received. And anything that was
9 submitted to us as far as commentary, they responded to
10 that. So everything was on record. Everything was
11 responded to. And I do take exception to saying that some
12 of those comments were precluded or not accepted. I just
13 want to say that, because Diane was just so meticulous
14 about this.

15 CHAIRPERSON PAPARIAN: Okay. Thank you. And
16 good luck.

17 COMMITTEE MEMBER MARIN: Do you know if it's a
18 boy or a girl?

19 MS. SHIMIZU: Girl.

20 DEPUTY DIRECTOR SCHIAVO: Better hurry. You're
21 on the clock.

22 CHAIRPERSON PAPARIAN: Okay. We'll get these
23 done before she's eligible to become a Waste Board
24 employee and take this over.

25 (Laughter.)

1 COMMITTEE MEMBER MARIN: Girl power.

2 DEPUTY DIRECTOR SCHIAVO: Okay.

3 COMMITTEE MEMBER MULÉ: Mr. Chair, could we hear
4 V and W before the next item? Because I do have to leave
5 to catch a plane. Would that be okay, Mr. Schiavo, if we
6 could --

7 DEPUTY DIRECTOR SCHIAVO: I didn't hear you.

8 COMMITTEE MEMBER MULÉ: I'm sorry. If we can go
9 to V and W and hear those. And then you can go back to G.

10 CHAIRPERSON PAPARIAN: She's asking for Hermosa
11 Beach and Inglewood.

12 DEPUTY DIRECTOR SCHIAVO: Yeah, that would be
13 fine.

14 CHAIRPERSON PAPARIAN: Does that work? Is
15 everybody in the room who's here for those items?

16 DEPUTY DIRECTOR SCHIAVO: Yeah, so we'll be going
17 to Item either 23 in the Board packet and Committee Item V
18 and then we'll go to Item 24 in the Board packet,
19 Committee Item W next.

20 Okay. We're all set.

21 Okay. Item -- well Steve Uselton will have the
22 pleasure of presenting both of these items.

23 And Item 23 is consideration of failure to meet
24 SB 1066 time extension plan of correction; and
25 consideration of the 2001 and 2002 biennial review

1 findings for the Source Reduction and Recycling Element;
2 and consideration of issuance of a compliance order for
3 the City of Hermosa Beach in Los Angeles County.

4 STATE AND LOCAL ASSISTANCE BRANCH SUPERVISOR

5 USELTON: Good afternoon, Mr. Chairman and Committee
6 members.

7 On November 19th, 2002, the Board approved the
8 City of Hermosa Beach's request for an SB 1066 time
9 extension to allow the city until July 31st, 2004, to
10 implement additional programs to reach the diversion goal
11 of 50 percent.

12 In February of 2004 Board staff conducted a
13 review of the city's time extension updates in 2002 annual
14 report. The information provided in the annual report and
15 time extension updates indicated that despite the
16 reporting implementation of significant program
17 enhancements, the city's disposal was not decreasing.

18 In evaluating why this was occurring Board staff
19 contacted the city to request additional information and
20 clarification. The review of the franchise hauler reports
21 provided by the city, Board staff discovered that reports
22 provided indicated that certain programs were being --
23 indicated that certain programs that had been reported to
24 be implemented were inaccurate, specifically that MRF
25 processing of all commercial waste, a key program in the

1 time extension, had not been implemented.

2 The city's time extension had indicated that it
3 would implement both source separation and MRF processing
4 in accounts where source separation would not work.

5 Board staff met with the city on June 10th, 2004,
6 to discuss the city's program implementation, and has
7 communicated with the city staff via phone and written
8 correspondence to address the need for the city to
9 implement the programs in the time extension's plan of
10 correction and the Source Reduction and Recycling Element
11 or identify suitable alternatives.

12 After its meeting with the city, Board staff was
13 kept informed that the city was working with the its
14 hauler to identify a suitable alternative to the
15 commercial program. After the development of this item
16 staff review of the city council's October agenda item
17 indicates that the city has approved enhancements to go
18 forward with commercial programs.

19 Although the program enhancements are not as
20 described in the city's time extension, the programs
21 identified can feasibly enable the city to achieve
22 diversion goals. Instead of full MRF processing of
23 commercial waste, the city will focus on automated
24 collection of recyclables in the commercial sector, route
25 materials to a transformation facility, and adopt a C&D

1 materials diversion ordinance.

2 Board staff has concerns, detailed in the agenda
3 item, that the city has not made every effort to
4 reasonably and feasibly implement the programs in their
5 plan of correction and Source Reduction and Recycling
6 Element during the time of the time extension -- during
7 the period of the time extension.

8 In the absence of the good faith to implement the
9 programs identified in the city's time extension, Board
10 staff is recommending that the Board issue the city a
11 compliance order, and direct staff to work with the city
12 in developing a local assistance plan that will improve
13 diversion programs within the city to a level that enables
14 the city to meet the state diversion requirements, and
15 will set up a stronger agreement between the city and the
16 Board to ensure necessary programs are implemented.

17 The focus of any work with the city will be to
18 improve program infrastructure, and it will also look at
19 any numbers issues that the city raises. But we really do
20 feel that this is a program issue.

21 This concludes my presentation. There is a
22 representative of the city, Steve Burrell, the City
23 Manager, present here today to answer any questions as
24 well.

25 CHAIRPERSON PAPARIAN: Before we go to the

1 speaker, I want to clarify something here.

2 The city submitted their request for a time
3 extension in May of 2002, right? And as I understand it,
4 information in that request was not accurate in terms of
5 what programs are being implemented?

6 STATE AND LOCAL ASSISTANCE BRANCH SUPERVISOR

7 USELTON: Well, the requests -- the actual application
8 identified that there were going to be two programs
9 implemented in the commercial sector. One was they were
10 going to work to further develop a source separation
11 program by going out to the business accounts and trying
12 to encourage businesses to voluntarily participate in
13 these programs.

14 The other part in the application said that all
15 materials -- all commercial waste that was not collected
16 through the source separation program would be processed
17 through a material recovery facility, a dirty MRF
18 operation, if you will. And that is how staff understood
19 the application. And, in fact, in the preface or opening
20 remarks to the application, it describes that even more
21 thoroughly.

22 So all along it was staff's understanding that we
23 would see this dirty MRF application occurring. And it
24 wasn't until we noticed that the disposal wasn't
25 dropping -- we'd been getting reports from the city that

1 the program was in place and it was working. But when we
2 noticed that the disposal wasn't dropping, we asked to see
3 the hauler reports. And in looking at the hauler reports,
4 what we found is there was no dirty MRF recovery and the
5 source separation recovery was about 2 percent.

6 CHAIRPERSON PAPARIAN: Okay. So you were told
7 that a certain program was in place that wasn't in place?

8 STATE AND LOCAL ASSISTANCE BRANCH SUPERVISOR

9 USELTON: In the status reports, that's correct.

10 CHAIRPERSON PAPARIAN: Okay. And the status
11 reports were prepared by a consultant to the city, is that
12 right? Or do you know?

13 STATE AND LOCAL ASSISTANCE BRANCH SUPERVISOR

14 USELTON: I believe that's correct. But if I'm not
15 correct, the city manager can correct me.

16 CHAIRPERSON PAPARIAN: Okay. But the city signed
17 off on those with the little "under penalty of perjury"
18 wording, right?

19 STATE AND LOCAL ASSISTANCE BRANCH SUPERVISOR

20 USELTON: I don't know -- is there -- there is no penalty
21 of perjury --

22 DEPUTY DIRECTOR SCHIAVO: The perjury language
23 wouldn't be on those submittals.

24 CHAIRPERSON PAPARIAN: Okay. But the request for
25 time extension from May of 2002 had that, right?

1 DEPUTY DIRECTOR SCHIAVO: Yes.

2 CHAIRPERSON PAPARIAN: And that was prepared by
3 the consultant, as I understand it. It says right on
4 there it was prepared by the consultant. And that had
5 some information that wasn't accurate as well about what
6 was being planned and what was going to happen.

7 STATE AND LOCAL ASSISTANCE BRANCH SUPERVISOR
8 USELTON: Well, we hoped -- well, application turned out
9 to be inaccurate, yes.

10 CHAIRPERSON PAPARIAN: Yeah. So where I'm going
11 with this is, I understand on one level that the city
12 maybe was misinformed by its consultant about its own
13 programs. But if we're expecting to hold cities
14 accountable for signing on the dotted line under penalty
15 of perjury, what do we do when the information we get is
16 not accurate? And I don't -- maybe I'm looking at our
17 legal staff on that one. I don't if this has come up
18 before. But I'm concerned that if we do nothing, that it
19 sends a message that you can submit any type of report and
20 sign the document, and if you have an excuse that your
21 consultant didn't, you know, give you the right
22 information, you can get off the hook.

23 Mr. Block.

24 STAFF COUNSEL BLOCK: Well, the short and easy
25 answer for today is we're going to have to look into this

1 and get back to you in terms of what potential options you
2 would have for any sort of further steps or messages or
3 what have you that you might want to send. We have had
4 issues like this in the past.

5 The difficulty -- and I think that's what the
6 staff is trying to be careful with -- is in these kinds of
7 issues it's very easy to have discussions about what
8 intent was or wasn't and that sort of thing. And I
9 certainly wouldn't want to right now tell you you could do
10 X, Y, or Z without spending a little bit more time going
11 back and looking at some of those things in a little bit
12 more specific detail with this sort of idea in mind, if
13 you will.

14 As Mr. Uselton has mentioned, it turned out the
15 application, which is under penalty of perjury, didn't
16 accurately reflect what was done. But the issue then
17 becomes: At the time was it what they were thinking what
18 they were going to do and something changed before then or
19 did they know it at the time? The status reports are not
20 under penalty. Those are simply essentially letters where
21 they say how things are going. So they're a little bit of
22 a different status.

23 So what I'd like to do is take an opportunity to
24 look a little bit more back into this and then get back to
25 you.

1 CHAIRPERSON PAPARIAN: The status reports -- and
2 maybe the city can answer this too -- but as we understand
3 it, were the status reports also prepared by the same
4 consultant?

5 STATE AND LOCAL ASSISTANCE BRANCH SUPERVISOR
6 USELTON: Yes.

7 CHAIRPERSON PAPARIAN: Okay. We do have a
8 representative of the city.

9 Okay. Mr. Stephen Burrell, City of Hermosa
10 Beach.

11 MR. BURRELL: Anyway, I provided a letter that I
12 believe you have.

13 And maybe I can just answer your concerns and
14 comments, probably, although I'm not positive. I signed
15 those reports. And if they weren't accurate and if they
16 weren't accurate to our intent, that would be my
17 responsibility. The consultant does work for us. And if
18 they're not following -- if they're not -- you know,
19 that's an issue that we would have to deal with with the
20 consultant if they're providing inaccurate information to
21 us or suggesting programs that don't work or the status
22 reports -- that's why I came today rather than anybody
23 else.

24 We treated this very seriously. And you can see
25 from the letter, I hope, and from the information you

1 received from your staff, is that we've taken a number of
2 steps since this was brought to our attention by the
3 staff, to, number 1 -- the commercial program that was
4 started off modest was voluntary, wasn't particularly
5 effective.

6 Our commercial sector, if you will, is really
7 quite small. It's primarily restaurants would be the most
8 high frequency business.

9 Our other larger neighborhood centers, the
10 typical one with a supermarket and a drugstore, basically
11 supermarkets represent probably about 65 percent of those,
12 the square footage of the businesses. And, by and large,
13 their own company programs for their -- take care of most
14 of things that they have.

15 But in any case, the C&D program has been made
16 mandatory. It's been put into effect already. The
17 commercial program, as soon as the hauler's able to
18 provide the equipment, will be delivered and be mandatory.
19 Rate increases have been put into effect for these
20 commercial businesses to cover the costs for that.

21 And, you know, it -- I don't like providing
22 excuses for anything other than, from an intent
23 standpoint, we have been out there -- there's a lot of
24 other things that we do that don't really show up in terms
25 of diversion rate, but show up in terms of -- we've just

1 spent about \$200,000 for recycling containers throughout
2 the city. We have the Long Beach Conservation Corps's --
3 we actually have these locked. And it's an experiment to
4 see if stuff will stay in them, which is very difficult
5 along the beach. But, in any case, was a high value
6 content in that if we are able to get it. And they're
7 running a test program on this.

8 The public information program and our recycling
9 curbside program I think work very well.

10 And the rest of the items that we've -- we
11 actually would rather take pride in this rather than being
12 here and talking about this from the enforcement
13 standpoint. But I understand the dilemma that perhaps the
14 Committee's facing. And what I did request in the letter
15 was an extension for the same period of time that the
16 order would cover. But, in any case, we will be back with
17 an implemented program next time.

18 I'd be happy to answer any questions that you
19 might have.

20 CHAIRPERSON PAPARIAN: Any questions, members?

21 Board Member Marin and then Board Member Mulé.

22 COMMITTEE MEMBER MARIN: Mr. Chair, I am -- I
23 happen to be of the belief that I don't think you
24 intentionally would deceive this Board or any other
25 entity. I don't think city managers and/or city councils

1 or even consultants would intentionally submit reports
2 that are inaccurate. I want to believe that you submit
3 what in your estimation was the accurate information. I
4 will give you that.

5 The question for us as a board is -- we have a
6 mandate. Our mandate is to reduce the amount of waste
7 that goes into landfills. And it is extremely important
8 for us to be able to measure that so that as a board we
9 fulfill our legislative mandate.

10 If we have jurisdictions that for whatever
11 reasons do not provide us the accurate information because
12 they lack the programs or because they don't know how to
13 measure those things, then we're not fulfilling our
14 mandate.

15 I appreciate that sometimes your consultants may
16 not provide you -- maybe they were not doing what they say
17 that they were doing or your hauler was -- really didn't
18 have the program that he said or at least you thought that
19 he had. And so that's where the rubber meets the road.

20 My desire is to see as many programs implemented
21 that in fact would help you reach the goal that other
22 cities, you know, in very similar situations like yours --
23 you're not the only city that has a lot of restaurants.
24 You're not the only city that has the same circumstances
25 for which, if you will, would like to be excused. There

1 are many cities and they're reaching their goals and
2 they're exceeding their goals.

3 So my desire is to help you implement those
4 programs that will help you achieve that diversion that we
5 all seek.

6 Having said that, I certainly -- I'm sure you're
7 going to have a long conversation with your consultant.
8 And I'm sure -- I want to believe that you are
9 implementing everything that you're saying you are doing.

10 I would agree with your recommendation that we
11 will find the city adequately implementing 1066 and
12 disapprove the attached order of compliance and allow the
13 city to submit a second SB 1066 request during the 60 days
14 to meet the 50 percent goal. But if you don't do it by
15 that time, then what do we do? And I want your help on
16 that. What if you don't meet that goal?

17 MR. BURRELL: Well, then you issue a compliance
18 order. You know, you have, I'm certain, a great deal of
19 discretion in how you act on these things. And I want you
20 to feel comfort about it. That's why -- you know, this is
21 a lot of things. And it's a breakdown in our system to a
22 certain extent that has brought me here today, but,
23 nevertheless, from a commitment standpoint. And I think
24 the action that the council took earlier this month to
25 adopt these programs, the extremely conservative city

1 council, but also very interested in meeting this goal.
2 And I think we're all a little bit embarrassed. I know I
3 was personally. I've been doing recycling in northern and
4 southern California for 35 years. And I've never been to
5 the Board before. I've never needed to come here. And
6 it's a little bit difficult to do it.

7 But I think we can achieve these things. We're
8 only one square mile. We're mainly residential. So when
9 we talk about commercial, it's really pretty difficult.
10 But the interest and enthusiasm that I believe we can
11 generate with our residents, we will pick it up in other
12 areas. Where maybe other cities won't do as good on the
13 curbside programs or some of these other things, we'd be
14 able to pick it up there.

15 But that level of enthusiasm I'm counting on to
16 make the goal and to meet the programs, and certainly
17 never to be in a position again where the program -- where
18 somebody can say it wasn't implemented. If nothing else I
19 would like them to say that we tried real hard but it
20 didn't result in a whole lot of diversion.

21 But clearly we thought we were doing what we're
22 supposed to do on that, on the one thing on the MRF. I've
23 been to the MRF. I've watched it operate. I've taken --
24 we were going to have our cable TV come and show what
25 happened and what the value of was the recycling is to

1 follow a truck. And we also told little kids that if you
2 don't go to school, that's where you may have to work.

3 (Laughter.)

4 MR. BURRELL: But, anyway, it's -- anyway, you
5 know, you have the discretion to deal with this. And you
6 know the request that I've made.

7 And I'd be happy -- again happy to answer any
8 questions you might have.

9 CHAIRPERSON PAPARIAN: Ms. Mulé, did have a
10 question?

11 Okay. Thank you.

12 Did you have a comment?

13 As I understand, what I think I heard, Board
14 Member Marin, you were suggesting Option 3.

15 COMMITTEE MEMBER MARIN: Three.

16 CHAIRPERSON PAPARIAN: My own inclination would
17 be to go with Option 1, the staff recommendation, which,
18 Board Member Mulé, puts you in the tie breaker position,
19 unless you want to go with Option 2.

20 COMMITTEE MEMBER MULÉ: I'll go with 2.

21 (Laughter.)

22 COMMITTEE MEMBER MARIN: Mr. Chair, I happen --
23 and maybe it's my background as a former city council
24 member and mayor. I do take Mr. Burrell -- and I know of
25 his reputation. And I believe he's telling us the truth

1 when he says that what he submitted was what we believed
2 he had.

3 And, furthermore, I do take him at his word that
4 he will do what he says he's going to do. And that is why
5 I specifically asked him, "If you don't do this by that
6 time that you say you're going to do it," then what
7 happens. And I like his answer, you know. He's just --
8 he's very -- the commitment in his presence here today
9 clearly shows his commitment to deal with this issue to
10 the best of his ability.

11 That's why I'm recommending number 3, Mr.
12 Chairman.

13 CHAIRPERSON PAPARIAN: Board member Mulé.

14 COMMITTEE MEMBER MULÉ: Okay. As many of you
15 know, I've had an opportunity to work with local
16 jurisdictions on 939 diversion programs. And if there's
17 one thing that I learned is that every community is
18 different. The make up of the community is different.
19 There's some communities that are far more residential
20 than commercial. The make up of their waste is different,
21 if you will. Some have more food waste. Others have more
22 C&D waste. And one of the things that I would like to see
23 as a whole is that when we as a board and board staff work
24 with these communities, that we really hone in on those
25 programs that are going to help the city meet their

1 diversion goal.

2 For example, in your community, if you've got a
3 lot of renovation, remodeling going on, we need to focus
4 on C&D. And if for some reason that's not in your
5 original corrective plan of action, maybe we need to sit
6 down, maybe you need to come to us and talk to us and say,
7 "This isn't going to fit our community." And, again --
8 I've seen that from having worked with local
9 jurisdictions. And they didn't speak up, you know, they
10 didn't talk to our staff and say, "Gee, we need your
11 help." And so, you know, that's one thing. It's what
12 it's all about, is communicating.

13 And, you know, getting to 50 percent or more --
14 because, as Chairwoman Marin says, we're required by law
15 to do this. So we have to -- we have an obligation to do
16 that.

17 You know, I also am somewhat suspicious, if you
18 will, about the hauler -- and I don't know who it is --
19 but about the hauler not doing what they said they were
20 going to do. That concerns me. And so you might want to
21 have a nice heart to heart talk with your hauler about --
22 and maybe you have already, and maybe they have corrected
23 the problem. But, again, it just takes everybody working
24 together in partnership to get to 50 percent. It's a
25 requirement. It's the law. It's what we have to do. And

1 whatever it takes to do it, we have to do it.

2 Now, what am I going to do? I do believe that
3 you are making -- you're going to fix the problem. Again,
4 I've been in situations with cities that they've been
5 under a similar situation.

6 So I am going to concur with Chairwoman Marin and
7 look at Option 3.

8 CHAIRPERSON PAPARIAN: Okay. The resolution we
9 had before us is an Option 1 resolution. Rather than try
10 to amend it on the fly -- I think we know what the vote of
11 the Committee would have been if we had the Option 3
12 resolution before us. So over the next few days -- and,
13 Mr. Block, tell me it this is okay -- in the next few days
14 there should be a resolution prepared that would reflect
15 Option 3 so that that would be there for the Board
16 consideration on a recommendation of 2 to 1 from the
17 Committee.

18 STAFF COUNSEL BLOCK: Right, that would be
19 perfectly fine.

20 CHAIRPERSON PAPARIAN: Okay. The next will be --
21 and thank you for coming, Mr. Burrell.

22 The next will be item W, and it's Item 24 in the
23 agenda. My intention is to hear this item. And then I
24 know Board Member Mulé has to leave. And then I'll take a
25 break right after this item.

1 COMMITTEE MEMBER MARIN: For Jim.

2 CHAIRPERSON PAPARIAN: Yeah, who's been running a
3 marathon session here.

4 So we'll take a break right after this item and
5 then hear the rest of the agenda.

6 DEPUTY DIRECTOR SCHIAVO: Okay. Board Item 24,
7 Committee Item W, is consideration of failure to meet SB
8 1066 time extension plan of correction; and issuance of a
9 compliance order for the City of Inglewood.

10 And Steve will present this item.

11 STATE AND LOCAL ASSISTANCE BRANCH SUPERVISOR
12 USELTON: On August 20th, 2002, the California Integrated
13 Waste Management approved the City of Inglewood's request
14 for an SB 1066 time extension to allow the city until
15 December 31st, 2004, to implement additional programs to
16 reach the diversion goals of 50 percent.

17 In November of 2003 Board staff contacted city
18 staff to inquire about the status of key programs that
19 were scheduled for implementation in 2003. Board staff
20 learned that the city had experienced delays in
21 negotiating a solid waste contract agreement with its
22 hauler, but anticipated city council approval of a
23 contract for solid waste and recycling services in January
24 of 2004.

25 In February 2004 Board staff again contacted the

1 city and conducted a review of the city's time extension
2 update and annual report information that had recently
3 been provided and confirmed that programs were still in
4 the planning stages and implementation had not taken
5 place.

6 The city's extension is scheduled to end in
7 December 2004, and core programs were to be implemented in
8 2003.

9 Board staff visited the city on March 11th and
10 June 30th, 2004, to discuss the city's program
11 implementation and has communicated with the city via
12 telephone and written correspondence addressing the need
13 for the city to implement the programs in the time
14 extension's plan of correction and in the Source Reduction
15 and Recycling Element.

16 Information obtained through meetings with the
17 city and through review of the city's submitted time
18 extension updates confirm that the schedule for
19 implementation of plan programs was not being met.

20 City staff have communicated with Board staff
21 that on September 21st, 2004, the city approved a new
22 service agreement that includes provisions for expanded
23 diversion services. And the agreement includes provisions
24 that the contractor will introduce sufficient programs to
25 enable the city to achieve state diversion requirements

1 within 120 days of the start of new services described in
2 the contract.

3 As a key program implementation has not yet
4 occurred, staff has determined that the city has not made
5 every effort to reasonably and feasibly implement the
6 programs in their plan of correction and Source Reduction
7 and Recycling Element. In the absence of a good-faith
8 effort to implement the programs identified in the city's
9 time extension, Board staff is recommending the Board
10 issue the city a compliance order and direct staff to work
11 with the city in developing a local assistance plan that
12 will improve diversion within the city to a level that
13 enables it to meet the state diversion requirements, and
14 will set up a stronger agreement between the city and
15 Board to ensure necessary programs are implemented.

16 This concludes my presentation. There is a
17 representative, Thomas Coates, Program Administrator from
18 the City of Inglewood, available too.

19 CHAIRPERSON PAPARIAN: Any questions before we
20 hear from Mr. Coates?

21 Mr. Coates.

22 MR. COATES: Good afternoon, Board members,
23 Committee members and staff. Thomas Coates, City of
24 Inglewood Environmental Services Administrator.

25 As you've heard Mr. Uselton speak, the city

1 experienced some delays due to the fact we were
2 negotiating a new waste agreement with our existing waste
3 hauler. Unlike many cities in our surrounding area who
4 chose go out to bid, we felt it was in the best interests
5 of the city, residents and businesses therein, to
6 negotiate enhanced services with our existing hauler.

7 It is true, it has been an exhausting effort,
8 more than two years to come to this culmination of
9 programs that will not meet the current diversion
10 requirements, but will exceed the diversion requirements.

11 We have looked at all aspects of diversion, and
12 we felt that we have addressed those by the programs that
13 we have in place. We have begun implementation of the
14 containers. Containers are being now rolled out to
15 residents as well as businesses in our city; ordinances
16 have been passed, C&D, namely. And we think just with our
17 curbside -- we were a city without a curbside program.
18 Just with curbside we'll be there if you take a look at
19 the numbers.

20 So the city -- the mayor and the council are
21 committed to these programs. Our residents are committed.
22 We begin public relations outreach and educational
23 outreach. A component is there for schools and
24 businesses; they'll also be affected as well as impacted
25 by some of the things that we put in place.

1 So with that, I would like to ask that you
2 understand our position and where we're going. As Mr.
3 Uselton mentioned, the contract has been signed. We are
4 now working on rolling these programs out.

5 And with that I'll be happy to answer any
6 questions.

7 CHAIRPERSON PAPARIAN: Any questions, members?

8 COMMITTEE MEMBER MARIN: You know, Mr. Chairman,
9 one of the -- it's just very, very hard. I can understand
10 that a contract would take so long to come to fruition.
11 My -- I'm having a real difficult time, because you have
12 the same hauler and you chose to work with this hauler.
13 This hauler, whoever it is -- and I don't need to know who
14 it is -- but they are very familiar or they should be very
15 familiar with the fact that there was this requirement
16 that the city had to fulfill, unless it was somebody that
17 just started the business, you know, a few years ago with
18 you. Maybe you were their first client. I don't
19 understand.

20 I like the fact that now you say you have some
21 programs. And I'd like to ask staff if you guys feel very
22 comfortable that with these programs that he says the
23 contract will have, that in fact they'll be able to reach
24 the compliance?

25 STATE AND LOCAL ASSISTANCE BRANCH SUPERVISOR

1 USELTON: Well, I can respond to that. The city has
2 provided us with a draft solid waste management report and
3 plan of action that their council was considering. In
4 fact, they -- we did have a meeting in which we reviewed
5 that plan of action and discussed the different types of
6 programs in it.

7 I think we did provide some help to the city in
8 describing some additional items to look at and to be sure
9 were covered. If the plan of action is implemented, by
10 all means, I think this will enable the city to achieve
11 the requirements. Of course our concern is is that, you
12 know, it's coming in at this point in the time extension,
13 and that's why we bring it forward to the Board for your
14 consideration.

15 COMMITTEE MEMBER MARIN: See, that's one of
16 the -- what is really difficult, at least on paper it
17 looks like you have been less than -- not you personally,
18 but the city has been less than responsive, that in fact
19 that there has not been the good-faith effort from what I
20 read; that it's just until now that we're ready to issue a
21 compliance -- or lack of compliance letter that now, all
22 of a sudden, like, "Okay, okay, we're going to do it." It
23 strikes me as not as good of a faith effort that the city
24 should have done.

25 And I don't know what created all of this. I

1 don't know what the situation or the circumstances were.

2 I just see what I see in paper, and it seems like the city
3 was not as willing to really do that good-faith effort.

4 And we have some cities that we have actually
5 fined. And we have -- we work with the cities. Staff
6 goes to great lengths. We give you enormous amount of
7 time. But we do like to see something in return. And
8 when time goes by and time goes by and we just see
9 nothing, then that's where we are right now.

10 I am encouraged by the fact that you do now have
11 this, that you have taken these steps, that the city
12 council -- has approved already? Have they --

13 MR. COATES: Correct.

14 COMMITTEE MEMBER MARIN: They've already passed a
15 resolution or -- and they've already gone into a contract,
16 right?

17 MR. COATES: Correct.

18 COMMITTEE MEMBER MARIN: My, Mr. Chairman. It's
19 very tough for me right now to make a decision on this.

20 CHAIRPERSON PAPARIAN: Yeah, I mean from my
21 perspective, if the city moves forward and does what it's
22 committed to, then, you know, the compliance order is
23 followed, it's complied with, it works.

24 If they -- if the city doesn't implement it,
25 well, then they know what's coming; the compliance order

1 is clear. And maybe the compliance order provides the
2 added incentive needed to really move the programs
3 forward.

4 So that would be why I would support the staff
5 recommendation.

6 COMMITTEE MEMBER MULÉ: Yeah, I just have a
7 question. I just want to make sure I understand this.

8 Up until your new contract you have not had a
9 curbside recycling program?

10 MR. COATES: No, the City Of Inglewood has not
11 had a curbside recycling program.

12 In the interim, while we were negotiating this
13 contract -- and let me just go back to Board Member
14 Marin's point.

15 It's not that the city was not doing anything,
16 not trying to comply, at the last minute say, "Hey, let's
17 push forward some ideas." That's not the case at all. We
18 had a situation where we could not implement these new
19 programs because they were not part of the existing waste
20 contract. You could not do that -- impose those programs
21 without going back and revising our waste agreement. That
22 was something that the city council felt that we could
23 address at the time of the conclusion of that contract.

24 So in order to make sure that we continued moving
25 forward with diversion actions, everything that we did,

1 we -- from curbside -- I mean from drop-off programs to
2 special programs that we held to assist in diversion, we
3 did it. We did everything there short of having these new
4 programs in place that now we have.

5 It seems to me if the recommendation is that the
6 city is put on a compliance order, these programs will
7 already be in place, and it would almost seem like -- it
8 would almost seem like it's not necessary at this point.

9 So I understand where you're coming from when you
10 say that, "Well, it looks likes you just pushed these
11 things forward." No, it took this long before we could
12 get an independent analysis of the work that staff had put
13 together to say that these are the things that the city
14 council should approve, since we did not go out to RFP.
15 So our process was a little different. So we had to have
16 a third opinion come in and look at those things.

17 But now I assure you that we're working on
18 putting these programs in place. And our city will be
19 beyond 50 percent in a short period of time. And now, the
20 Board's -- with the Board's numbers we're at 42 percent.
21 And a curbside program in our city, that's an easy 10 to
22 12 percent diversion within 120 days of implementation.

23 COMMITTEE MEMBER MULÉ: Okay. So you're already
24 at 42 percent?

25 MR. COATES: Correct.

1 COMMITTEE MEMBER MULÉ: Okay. Another question
2 is: How long -- when did your franchise agreement start
3 with the hauler?

4 MR. COATES: I was --

5 COMMITTEE MEMBER MULÉ: Not the one that you
6 negotiated.

7 Your previous agreement, how long was that in
8 place?

9 MR. COATES: It was in place for probably two
10 years. They assumed a contract.

11 COMMITTEE MEMBER MULÉ: Okay. They assumed --
12 but, again --

13 MR. COATES: They assumed an existing contract
14 that had been in place for 15 years.

15 COMMITTEE MEMBER MULÉ: Fifteen years?

16 MR. COATES: Yes.

17 COMMITTEE MEMBER MULÉ: Okay. Because, again,
18 we've been here for 15 years, and we've all been at this
19 for 15 years. And, again, I just think that we need to
20 have a level playing field out there, because there are so
21 many communities that struggled and they amended their
22 contracts. I know, I used to work on franchise
23 agreements. So they worked -- they amended their
24 franchise agreements. So they got these programs in
25 place, not in 2004, but back in the early nineties and the

1 mid-nineties to ensure that they met the 50 percent
2 requirement.

3 And that's what I'm struggling with is -- you
4 know, I'm not saying you didn't do anything. I'm sure
5 that you did. But I'm thinking, knowing that there was
6 that 50 percent on the horizon, you know, I just -- I'm
7 trying to understand why the council didn't, you know,
8 make more of an effort to say, "If it needs to be a
9 curbside program, let's put it in place now." And, you
10 know, again, I know the company I used to work with, we
11 amended contracts all the time. Because if that's what
12 our -- if our city wanted something, we gave it to them.

13 So I'm just having some trouble with just trying
14 to understand why things were delayed until now. I mean
15 you've explained it, but I'm just wondering in my mind.

16 Thank you.

17 CHAIRPERSON PAPARIAN: Okay. I think I know
18 where we're at. But I'll go ahead and move Resolution
19 2004-291. And that would be the staff recommendation on
20 this.

21 COMMITTEE MEMBER MULÉ: To issue a compliance --

22 CHAIRPERSON PAPARIAN: Yes.

23 COMMITTEE MEMBER MULÉ: Second.

24 CHAIRPERSON PAPARIAN: Okay. There's a motion
25 and a second.

1 Will secretary call the roll.

2 SECRETARY KUMPULAINIEN: Marin?

3 COMMITTEE MEMBER MARIN: Aye.

4 SECRETARY KUMPULAINIEN: Mulé?

5 COMMITTEE MEMBER MULÉ: Aye.

6 SECRETARY KUMPULAINIEN: Paparian?

7 CHAIRPERSON PAPARIAN: Aye.

8 Consent on this one? Okay. Consent on this one?

9 Compliance orders on consent, does that --

10 STAFF COUNSEL BLOCK: Compliance orders can be on
11 consent. It's your option. You also could send it to the
12 Board because of the nature of the item for a full
13 discussion.

14 DEPUTY DIRECTOR SCHIAVO: They have historically
15 gone on consent to the Board. In fact we did one last
16 month or two.

17 CHAIRPERSON PAPARIAN: If it's all right, I'll
18 recommend consent. Another Board member could pull it off
19 if they choose to.

20 Okay. We'll take a ten-minute break.

21 If there's anybody who's got a travel problem --
22 I see maybe one person in the room might -- let me know,
23 and we'll see if we can pull some things out of order to
24 accommodate that.

25 So a ten-minute break.

1 (Thereupon a recess was taken.)

2 CHAIRPERSON PAPARIAN: Okay. We'll get started
3 again.

4 Any ex partes?

5 COMMITTEE MEMBER MARIN: Mr. Chairman, I was just
6 talking to Yvonne Hunter from the League regarding --

7 CHAIRPERSON PAPARIAN: She said Yvonne Hunter
8 from the League.

9 You're --

10 COMMITTEE MEMBER MARIN: Oh, I'm sorry.

11 Yeah, just Yvonne Hunter from the League
12 regarding 1066 extension, the item on Victorville.

13 CHAIRPERSON PAPARIAN: And I spoke with John
14 Cupps regarding E-waste.

15 In order to accommodate some folks' travel plans
16 what we're going to do is take up Items 16 -- which is
17 Item of related to Pico Rivera -- and then Item 22, which
18 is Item U related to Lancaster, and then the Victorville
19 item. And hopefully then the people who need to catch
20 planes will be able to catch planes.

21 DEPUTY DIRECTOR SCHIAVO: Okay. Item 16 will be
22 presented by Steve Uselton. And it's consideration of the
23 2001-2002 biennial review findings for the City of Pico
24 Rivera, Los Angeles County.

25 STATE AND LOCAL ASSISTANCE BRANCH SUPERVISOR

1 USELTON: Good afternoon again.

2 The City of Pico Rivera had previously been
3 granted an SB 1066 time extension with the completion date
4 of December 31st, 2002. Board staff has conducted a site
5 visit to assess program completeness of the programs
6 specified in the city's plan of correction.

7 The plan of correction includes two new diversion
8 programs, an automated residential curbside recycling
9 program and approval of a construction and demolition
10 ordinance. The city has also implemented expansions to
11 its on-site commercial pick-up program, school diversion
12 programs, city grass cycling, as well as improved
13 community outreach and development of a city procurement
14 policy.

15 While the 2001 and 2002 diversion rates remain
16 below 50 percent -- below the 50-percent diversion
17 requirement and come in at 45 and 48 percent respectively,
18 Board staff in conducting their biennial review has
19 determined that the city has made a good-faith effort to
20 fully implement programs needed to achieve diversion
21 requirements.

22 With new programs the city has been able to
23 mitigate the effects of four major redevelopment projects
24 that have occurred since the year 2000. These projects
25 involve the deconstruction and reconstruction of

1 approximately 220 acres of commercial and industrial
2 property, the largest project being the deconstruction of
3 a defense contractor's facility. In addition, over 40
4 other projects are complying with the C&D ordinance
5 requirements to divert 50 percent. And the city has
6 calculated that completed projects have diverted over
7 7,000 tons of C&D materials.

8 Therefore, staff recommends that the Board find
9 that this city has adequately implemented its Household
10 Hazardous Waste Element and made a good-faith effort to
11 implement its Source Reduction and Recycling Element to
12 meet diversion requirements and has fulfilled its time
13 extension.

14 This concludes my presentation. A representative
15 from the city, Bill Shannon, the Director of Housing
16 Service, is present to answer any questions.

17 CHAIRPERSON PAPARIAN: Any questions?

18 COMMITTEE MEMBER MARIN: No.

19 CHAIRPERSON PAPARIAN: Mr. Shannon's here to
20 answer questions if we have them. I just -- Mr. Shannon,
21 where are you?

22 COMMITTEE MEMBER MARIN: I do have one question.

23 There you are.

24 CHAIRPERSON PAPARIAN: Okay. She has other
25 questions. I want to -- come on forward. And, you know,

1 I want to say it does look like you are indeed doing a
2 good job trying to pull these programs together and get
3 them to work.

4 COMMITTEE MEMBER MARIN: Yeah, Mr. Chair, my
5 question is not just necessarily to the representative,
6 but also to staff.

7 I appreciate the fact that you are making a good
8 faith effort and I appreciate the fact that you have new
9 programs and diligently implementing them.

10 What I want to know is: Is this the -- is it
11 your full intention to reach more than 50, to get to that?
12 Do you think that by having all of these programs you will
13 be able to reach at least 50 in the next few months? Does
14 the staff concur that that is possible? Because the goal
15 is at least 50.

16 MR. SHANNON: Yes, we fully believe we will be
17 able to meet that goal. We are also looking at one new
18 option with our hauler right now. Right now we have a
19 commingled --

20 CHAIRPERSON PAPARIAN: Mr. Shannon, I'm sorry.
21 For the court reporter's benefit, if you could identify
22 yourself.

23 MR. SHANNON: My name is Phil Shannon. I'm with
24 the City of Pico Rivera.

25 And we are looking -- we have a commingled

1 recycling program and we also have a green waste program.
2 That right now is a manual program. We are looking at
3 automating that program this upcoming summer with large
4 containers. So we believe that, along with our other
5 efforts that we will continue to work diligently
6 towards -- and we're very confident we will reach the
7 50-percent diversion requirement.

8 COMMITTEE MEMBER MARIN: Okay. Thank you, Mr.
9 Chair.

10 With that I move the item then.

11 CHAIRPERSON PAPARIAN: Okay. Board Member Marin
12 moves Item 2004-283.

13 I second it.

14 We don't have a secretary at the moment to call
15 the roll. But you're voting "aye", I'm voting "aye". And
16 it's unanimous and it goes on consent.

17 Thank you very much.

18 DEPUTY DIRECTOR SCHIAVO: Okay. Committee Item U
19 is consideration of the application for a SB 1066 time
20 extension by the City of Lancaster, Los Angeles County.

21 And Steve will present again.

22 STATE AND LOCAL ASSISTANCE BRANCH SUPERVISOR
23 USELTON: In order to, in the interests of time,
24 abbreviate this presentation, I would just like to say
25 that the City of Lancaster has requested a 1066 time

1 extension through December 31st, 2005.

2 The city's application includes strong programs
3 for improving residential diversion through rate
4 incentives, better outreach and doing some program work by
5 labeling containers and sending out fliers to the
6 residents. This is a growing community, and the city has
7 found that they need to kind of keep up with that growth
8 by offering a continuing outreach program.

9 The city is also going to be developing a
10 mandatory recycling -- commercial recycling ordinance,
11 which should greatly improve the participation that they
12 get in their commercial program. And will be working more
13 actively with their hauler to divert both C&D materials
14 and commercial waste.

15 The city anticipates a 10-percent increase in the
16 diversion rate with the implementation of these program
17 enhancements that are described in this time extension
18 application.

19 Board staff has determined that the information
20 submitted in the application is adequately documented.
21 And based on the information, Board staff is recommending
22 that the Board approve the city's time extension request
23 as presented.

24 A representative from the city is available,
25 Richard Long, if there are any questions.

1 This concludes my presentation.

2 CHAIRPERSON PAPARIAN: Board Member Marin.

3 COMMITTEE MEMBER MARIN: Mr. Chairman, I was
4 looking at the percentages. And it went from 1999, 51
5 percent to 52 in 2000, 48 in 2001, and 41 in 2002.

6 Do we know what it is in 2003 yet?

7 STATE AND LOCAL ASSISTANCE BRANCH SUPERVISOR

8 USELTON: We don't have that 2003 diversion rate.

9 This is an issue that we have been looking at
10 with the city. In fact, we've had some very lengthy
11 discussions about how well this indicator is working for
12 the city. But what we finally came to is is when we look
13 at the hauler data and we look at what the actual program
14 data that's going on, the city agrees that the programs
15 can be improved. And with those improvements we would
16 expect that the rate indicator would improve as well.

17 Whether these are issues of changes in the way
18 disposal is being recorded, whether it is really relative
19 to the extreme growth that's happening in that area or the
20 adjustment factors, it's probably a little bit of each one
21 of those. But we can clearly see that the program
22 implementation can be improved and the city is in
23 agreement with that and would like this application to go
24 forward.

25 COMMITTEE MEMBER MARIN: Someone from the -- Mr.

1 Chairman, is somebody from the city here?

2 CHAIRPERSON PAPARIAN: Yes. If you could
3 identify yourself for the record.

4 MR. LONG: My name is Richard Long. I'm with the
5 City of Lancaster.

6 COMMITTEE MEMBER MARIN: And so by being here
7 today you are committed to ensuring that all of these
8 programs as presented will be fully --

9 MR. LONG: Yeah, we always have. We were as
10 concerned with an eight-point drop or a seven-point drop
11 as Steve was. And actually it was the City of Lancaster
12 who first contacted the Office of OLA prior to the
13 submittal of our 2002 annual report with these concerns.

14 As Steve has mentioned, the Lancaster-Palmdale
15 high desert area of Los Angeles County is the fastest
16 growing area in the State of California. We are -- you
17 know, we're just booming. And, you know, we had issues
18 about taxable sales revenue, we had issues with C&D waste
19 and the weight per employee. Half of the contractors that
20 are building in the high desert don't even live in the
21 high desert.

22 We have 10,000 commuters who work at Edwards Air
23 Force Base on a daily basis. So there were a whole bunch
24 of issues that we felt -- SB 2202 is extremely important
25 to us. But at the same time, I concur with Steve, that we

1 did see areas of improvement that we could do. And if a
2 1066 is the way to go about that, then we're in favor of
3 that.

4 COMMITTEE MEMBER MARIN: Okay. Mr. Chairman,
5 then with that I move Resolution 2004-289 --

6 CHAIRPERSON PAPARIAN: Okay. Board Member Marin
7 moves?

8 COMMITTEE MEMBER MULÉ: Second.

9 CHAIRPERSON PAPARIAN: Board Member Mulé seconds.
10 And I'll just say: You were at 50 percent at one
11 point. You know how good that felt, so --

12 MR. LONG: Yeah. Well, we actually have our
13 recycled glass plaque hanging in our lobby from the Waste
14 Board that gave us congratulations in 2000. So --

15 COMMITTEE MEMBER MARIN: You know that would take
16 away those plaques.

17 (Laughter.)

18 MR. LONG: Yeah, it is kind of a ego hit to drop
19 like we did. But it is a concern and we do plan to
20 address it.

21 CHAIRPERSON PAPARIAN: Yeah, so you'll get back
22 up to that feel-good space again.

23 MR. LONG: That's right.

24 CHAIRPERSON PAPARIAN: Okay. We have a motion
25 from Marin, seconded by Mulé.

1 Secretary, call the roll.

2 SECRETARY KUMPULAINIEN: Marin?

3 COMMITTEE MEMBER MARIN: Aye.

4 SECRETARY KUMPULAINIEN: Mulé?

5 COMMITTEE MEMBER MULÉ: Aye.

6 SECRETARY KUMPULAINIEN. Paparian?

7 CHAIRPERSON PAPARIAN: Aye.

8 And that's candidate for consent.

9 DEPUTY DIRECTOR SCHIAVO: Okay. Item No. 18 will
10 be our next item. We're going out of order because of
11 travel arrangements.

12 And this is consideration of the 2001-2002
13 biennial review findings for the Source Reduction and
14 Recycling Element and Household Hazardous Waste Element
15 for the city of Victorville, San Bernardino County.

16 MS. BROWN: My name is Rebecca Brown. Good
17 afternoon, Chair and Committee members.

18 Board staff has conducted a 2001-2002 biennial
19 review of the City of Victorville's progress in
20 implementing its Source Reduction and Recycling Element,
21 or SRRE, to achieve and maintain the 50-percent diversion
22 goal of AB 939, as well as its Household Hazardous Waste
23 Element.

24 While staff appreciates the city's historical
25 efforts to implement its SRRE-selected programs, staff

1 also believes there have been significant changes in the
2 city's waste stream since the '99-2000 biennial review and
3 that the city has not made all reasonable and feasible
4 efforts to address those changes.

5 Jurisdictions are now required to not only
6 implement programs to achieve 50-percent diversion rate in
7 2000, but they must also maintain that rate by continuing
8 to implement programs and to enhance existing, or
9 implement additional programs if necessary.

10 The city, however, believes it has implemented
11 all the programs they need to implement and is suggesting
12 that their solution is to readjust their diversion numbers
13 using alternative adjustment factors.

14 Because Board staff is more concerned with the
15 changes in the jurisdiction's waste stream and the need to
16 address these changes through program implementation,
17 staff is therefore recommending the city submit a time
18 extension request to give it additional time to enhance
19 its programs.

20 Staff's recommendation are based upon the
21 following reasons:

22 The city's population increased 22 percent
23 between 2000 and 2003, from approximately 64,000 to
24 approximately 78,000.

25 The city's disposal also increased from nearly

1 64,000 tons in 2000 to 90,100 in 2003, indicating a
2 continuing upward trend since 1999.

3 The city identified in its October 28, 2004,
4 letter to the Chair and Board members that the increase in
5 disposal is primarily the result of development in the
6 city and that roughly 60 percent of the resulting C&D
7 waste is not being diverted.

8 The city has indicated to Board staff that it is
9 left up to contractors and haulers to decide what to do
10 with C&D waste. The city has no program to require that
11 waste be diverted.

12 Current legislation does not allow the Board to
13 grant time extensions beyond or after January 1, 2006.
14 Therefore, given the continuing upward trend in disposal
15 and population growth in the city, staff recommends the
16 city request additional time now to improve its programs
17 to target the additional disposal.

18 Suggestions for activities the city could
19 undertake to enhance its SRRE programs and to address the
20 increasing trend in its disposal include:

21 Because the city indicated to staff that one of
22 their reasons for not implementing a more aggressive C&D
23 program are the limitations at the MRF, staff are
24 recommending the city evaluate the MRF operations to
25 identify opportunities for program enhancements including

1 expanding areas to process C&D materials.

2 Implementing some kind of C&D-related program
3 that best fits the needs and conditions of the city, be
4 that a policy, hauler contract language, ordinance or some
5 other kind of program.

6 Partner with the county in developing C&D sorting
7 operations at the landfill.

8 Expand efforts to get more commercial businesses
9 to participate in the commercial recycling groups.
10 Currently only 39 percent of the businesses participate in
11 the city's source-separated commercial recycling route.

12 Because of these reasons, staff is recommending
13 the city submit an SB 1066 time extension application to
14 provide it more time to address its C&D waste and to
15 enhance other programs that may need updating given the
16 growth in the city since the previous biennial review.

17 There are two representatives from the city here
18 to answer any questions.

19 And that concludes my presentation.

20 CHAIRPERSON PAPARIAN: Thank you.

21 Any questions before we here from the witnesses?

22 Dana Armstrong, the City of Victorville.

23 MS. ARMSTRONG: I'm short, so I'll use this mic.

24 Thank you for the opportunity to address the
25 Board and the Committee members.

1 As Rebecca indicated, the city does feel that we
2 are continuing to make a good-faith effort to comply with
3 AB 939. We did get a good-faith effort for our '99-2000
4 review. And since that time we have continued to operate
5 the programs that we had implemented for that time period.
6 And we've continued to promote those programs and work
7 those programs and we've also made some program
8 enhancements.

9 You did receive my letter dated October 28th. I
10 would like to address several things that Rebecca
11 mentioned that I think maybe are misinterpretations and
12 just I think differences of how we view things.

13 The city does have extensive programs. We
14 obviously have our curbside recycling program. We have
15 extensive commercial programs. When we first implemented
16 our commercial recycling program, myself and our two
17 full-time code enforcement officers went and visited
18 basically every business in the City of Victorville.
19 Every commercial account got a knock on the door and a
20 visit from myself or the other two employees. As a result
21 of that, we have signed up almost 40 percent of all of our
22 commercial accounts in the city. Front-loader accounts
23 are on our source separation route.

24 I don't know about other communities, but I'm
25 very proud of that. I don't view that as a failure. I

1 view that as a success.

2 Since that time, we have continued outreach to
3 our commercial businesses. Any new business that comes
4 into the city, when they call to start sanitation service,
5 they are grilled about their recycling potential. And
6 most of them do start up recycling. We have not had the
7 extensive door knocking that we had when we first
8 implemented the program, but that's because we hit most of
9 them when we started the program.

10 So to say that only 39 percent of our businesses
11 are on our source-separation route, I think -- I view that
12 in a very different way. I view that as a success. A lot
13 of the businesses that are not on our commercial route are
14 on minimum service levels. They have yard and a half
15 bins, and there's no three-quarter yard bin that is
16 available to them.

17 Any commercial customers that are on cart service
18 are provided with a blue cart as well as a green cart.
19 The blue cart's for recycling.

20 And all of our multi-family housing that's on
21 cart service, they get recycling service as their baseline
22 level of service.

23 In addition to our commercial recycling route, we
24 do also have a commercial select route, which is an
25 additional 16 percent of our commercial customers. So

1 that is a substantial portion of our commercial customers
2 that are participating in a recycling program.

3 We also have roll-off customers. Basically any
4 clean compactors and roll-offs are going to our MRF for a
5 dump and pick. And anything that's high in fiber content
6 is going to our MRF.

7 Concerning the issue of C&D -- that was the other
8 thing that I heard mentioned -- you know, I had said in
9 the letter that, you know, one of the issues that was
10 raised in terms of the city's efforts to address C&D was
11 that we don't have an ordinance. And I had said in
12 response to that, the city has been trying to deal with
13 C&D. And in fiscal year '02-'03 39 percent of the total
14 roll-offs from our hauler -- and those temporary roll-offs
15 are primarily what C&D goes into -- 39 percent of those
16 roll-offs went to our MRF for sorting. Almost 40 percent
17 of the total roll-offs in the city already went to our MRF
18 for sorting.

19 I will admit that doesn't mean we diverted 40
20 percent of the total C&D tonnage. What that means is that
21 we made an effort to get 40 percent of those total
22 roll-offs into our MRF. And those roll-offs were ones
23 that a determination was made that there was something
24 recoverable, that we had a good -- we had a good chance of
25 getting something out of them. They were either high in

1 wood, high in concrete, high in brush or some other --
2 cardboard -- some recoverable material.

3 The roll-offs that would have gone to the
4 landfill were things that were totally mixed material,
5 where it's not suitable for hand sorting at a materials
6 recovery facility.

7 We do not have any mixed C&D processing
8 capability in the high desert. There are no private
9 facilities that address that material. We're not
10 fortunate like the Bay Area or Zancor Road where we can
11 take mixed C&D loads that are all jumbled together and
12 send them to a facility and have them sort them.

13 So we are trying to address C&D to the extent
14 that we can, with relatively good loads going to our MRF.

15 I know that the meeting is going long, so I don't
16 want to belabor the point. I believe the staff report did
17 an excellent job with outlining the programs that we
18 currently have. You know, just touching on some high
19 points. We have our curbside program. We have extensive
20 commercial programs. We have been recovering wood waste
21 at our MRF. We also have offered separate wood waste
22 collection to businesses that generate a lot of wood waste
23 right now.

24 We have -- we are also diverting green waste from
25 our parks, from the fairgrounds. We divert straw and

1 manure from the county fair. Our Public Works Department
2 does extensive programs with concrete, dirt. Street
3 sweepings, they sift out the litter, and they use that as
4 ADC. We're doing grass mulching at all city facilities.
5 We have an extensive master composter program for
6 residential green waste.

7 The redevelopment of George Air Force Base.
8 They've done extensive efforts to try and salvage material
9 out there. They've done a lot with scrap metal recycling.
10 They've done reuse of modular housing out at George Air
11 Force Base. We have volume-based rates for residents as
12 well as businesses. We also have unit-based pricing.
13 Residents can get a small can. Or if they get
14 additional -- 95 gallon cans, they pay more. They get a
15 discount for the smaller cans.

16 We have used the DOC grant funding. We're very
17 appreciative of the DOC grant funding. We started a
18 program at gas stations and mini-marts for beverage
19 containers. We have placed barrels of city facilities.
20 In the last couple of years we started a recycling --
21 we're trying to promote our curbside program further. We
22 started in cooperation with our hauler a contest called
23 the right stuff, kind of a cash-for-trash kind of thing.
24 That was in 2002. We've also -- our shop in 2002 switched
25 to re-refined motor oil for all city vehicles, and also

1 re-refined hydraulic oils.

2 I promise I will stop soon, because I know we're
3 running long.

4 Just a couple of other things. The program
5 enhancements. Many of these things are things that we are
6 doing. We are doing them.

7 Evaluate the MRF for enhancements. We are
8 currently doing that. We have a proposal from our
9 operator for multi-million dollar enhancements of that
10 facility. And we probably are going to go forward with
11 that. That's going to allow us to process more material,
12 which we need to do anyway because of the growth in the
13 city, and it will enable us to get higher value material
14 and just cope with the growth that we're experiencing. So
15 we are evaluating the MRF.

16 Concerning the C&D ordinance, I already addressed
17 that in terms of, that we are sending materials, selected
18 materials of C&D to our MRF.

19 In terms of -- you know, I really believe that a
20 major limiting factor in the high desert has been the lack
21 of facilities and markets for this material. We had been
22 doing concrete and asphalt. And then we were told by the
23 local outlets, "We don't want any concrete that has rebar
24 in it." There's no market in our immediate area. For a
25 period of time they said, "If it has rebar, we don't want

1 it." And then more recently they scaled back and said,
2 "Well, if you cut the rebar to within two inches of the
3 edge of the concrete, we'll accept it from you." That's
4 what we're dealing with in terms of construction and
5 demolition material.

6 We have had limited outlets for wood waste. We
7 had one facility in the area that experienced a fire and
8 was shut down for five months. And as a result we were
9 shipping wood waste 50 miles down the hill to another
10 facility, at great cost. But we have been limited by the
11 availability of facilities to deal with C&D.

12 Partner with the county in developing C&D sorting
13 operations at the landfill. We are all in favor of that.
14 Self-haul material is a large percentage of our waste
15 stream. But stuff that goes to the landfill, we do not --
16 we can't tell the county to develop facilities. We have
17 encouraged them. We've said this a priority, it's going
18 to help us. And the county did recently start a pilot
19 program. And in the second quarter of 2004, they
20 allocated 500 tons of diversion to the City of
21 Victorville. And that was just because the county
22 modified their operations at the county-owned landfill to
23 allow additional diversion facilities at that site.

24 So we're doing that. We have been encouraging
25 them. But we can't -- we can drag the horse to water, but

1 we can't make it drink, because it is a county facility.

2 All we can say is we're supportive.

3 And concerning green waste, we have focused on

4 backyard composting and grass mulching. We have a master

5 composter program. We have not done a curbside green

6 waste collection. And we're -- I'll be honest with you.

7 We're hesitant to do that, because really most of that

8 material is getting ground up and is being used as ADC.

9 We're hesitant to implement a program that's going to add

10 additional cost, that's going to result in additional air

11 emissions. And the material is still ultimately going to

12 end up in the landfill. I know for counting sake it will

13 count as being diverted. But ultimately it's going to end

14 up as ADC.

15 We believe that our backyard composting and grass

16 mulching and master composter program is a program that

17 really results in real diversion.

18 And, finally, just in terms of the commercial

19 recycling, that's an ongoing effort. That is something

20 that we do. Every new business that comes in gets

21 grilled. They run the gauntlet of the customer service

22 reps and the enforcement officers. So basically any new

23 business that's coming in to the city is getting asked

24 about recycling. And if -- it makes sense. They save

25 money by recycling. So only a really short-sighted

1 business would not sign up with our commercial recycling
2 program. Because if they do, they end up saving money on
3 their monthly bill.

4 So that's really the extent of my comments. I
5 would just, you know, like to say the city feels that we
6 have been making a good-faith effort to comply. Yes, our
7 disposal is up. But our population is up, as staff has
8 noted. And our disposal is up. That I think goes hand in
9 hand with increased population.

10 And with that I will stop. I probably went
11 longer than you would have liked, but -- I know John Davis
12 also had a few words he wanted to say.

13 And I'd be happy to answer any questions.

14 CHAIRPERSON PAPARIAN: Thank you.

15 Any questions for Ms. Armstrong?

16 Okay. Thank you very much.

17 John Davis.

18 MR. DAVIS: Mr. Chair and Committee members. My
19 name's John Davis. I administer the Mojave Desert and
20 Mountain Recycling Authority. We're an eight-member joint
21 powers authority, including the City of Victorville.

22 And the communities began working together
23 actually prior to AB 939 in 1988, have been working
24 together ever since then. Victorville really led that. I
25 was actually under contract to the City of Victorville at

1 the time. And so I'm pretty familiar with Victorville's
2 programs, the regional programs and the need to do things
3 across the region.

4 It's a big region. It's 15,000 square miles.
5 And when Dana talks about facilities, you know, put that
6 in a perspective, we've got close to probably 350, 400,000
7 people in the area now. Federal facilities, but a lot of
8 land and miles in between.

9 The Victor Valley is the area that Dana's focused
10 on. We were able to bring in California Biomass, a
11 regional compost facility, even in the absence of yard
12 waste. The high desert has extremely poor soil, extremely
13 harsh winters, harsh summer conditions, and historically
14 has not been a generator of yard waste. And the waste
15 characterizations that were done in 1999-2000 show -- I'm
16 sorry -- in '89 and 1990 show the lack of yard waste.

17 There's still is yard waste, and the county just
18 did some characterizations. We know it's there, but it's
19 very seasonal and it's very focused. We were unable to
20 attract composters. I spent ten years as the RMDZ
21 administrator trying to find a compost facility to operate
22 in any scale. And we were prepared to put it in at the
23 MRF when California Biomass decided they would put a
24 regional facility in place. They then had a fire a couple
25 years later that's limited our ability to rely on their

1 operation.

2 We continue to look at that. We have monthly
3 meetings. I get a monthly report on the operation at the
4 MRF. It breaks down great detail the material that goes
5 in there, where it comes from, what it is, where it goes.
6 Dana mentioned the improvements that we're looking at at
7 the MRF. I assure you we are prepared -- we have looked
8 at and talked about doing construction and demolition
9 waste there, doing yard waste at that facility.

10 This is a proposal that I received on Friday from
11 the MRF operator. And it's a proposal for \$3 million of
12 upgrading. We may do this, but we are negotiating it.
13 You know, I'd really prefer not to have one of the members
14 of that negotiating team commit to doing something which
15 has already been underway. And I think that's the issue
16 here.

17 Victorville was a good-faith effort city two
18 years ago. Victorville continues to work as hard and
19 harder than they did two years ago. It's just a mystery
20 as to why they're no longer a good-faith effort. And I
21 think everything that is suggested be done is being done.
22 The one issue about the county, I am contracted by the
23 county to help them implement their C&D program. Those
24 negotiations are going on. They're difficult
25 negotiations. But I assure you that Victorville's right

1 in the middle of it. And encouraging them to be in the
2 middle of it would just be encouraging what they're
3 already doing.

4 So thank you.

5 CHAIRPERSON PAPARIAN: Okay. Thank you, Mr.
6 Davis.

7 Yvonne Hunter, League of Cities.

8 MS. HUNTER: Good afternoon.

9 I hadn't planned on coming here just for this
10 item. I was here for some of the earlier ones. But I
11 talked to Mr. Davis -- or rather he talked to me -- and I
12 decided that it is appropriate for me to get up and
13 comment on this item.

14 What Victorville is doing is between the city and
15 the Board. And I'm not here to say one way or the other
16 officially what Victorville is doing. But based upon what
17 they describe, sounds like a pretty nifty set of programs.
18 And I won't try to use the official words "good-faith
19 effort," but it sounds like they're working really hard.

20 What concerns me though is the potential
21 precedent regarding requesting a 1066 extension. And the
22 League sponsored that bill. And it simply gives the
23 jurisdiction the option of requesting it, doesn't say they
24 shall. And then of course the Board has the option to
25 say, "Yes, we're going to grant it" or "no, we're not."

1 And when we went forward to sponsor the bill, a number of
2 folks said, "Why do you need this bill? Jurisdictions can
3 ask and say we're making a good faith effort. Why do you
4 need to have an extension?" And our response was, "We
5 know that. But a lot of jurisdictions still want to
6 actually say they are at 50 percent," and it's their
7 choice and that's the key thing.

8 I don't think the Board should either indirectly
9 or directly leverage the city and say, "Either you ask for
10 an extension or we're not going to give you a good-faith
11 effort." If the city doesn't want -- a city, in this case
12 Victorville -- doesn't want to apply for a 1066 extension,
13 they shouldn't have to. And if they're comfortable enough
14 that the programs they're doing meet the criteria for
15 good-faith effort, then that ought to be the road that
16 they're allowed to go down.

17 And it's just a -- it's an uncomfortable message
18 I think that this may send to other jurisdictions.

19 Thank you.

20 CHAIRPERSON PAPARIAN: Okay. Thank you.

21 Let me ask -- I'm sure the staff wants to jump in
22 here. But if this was standing alone by itself as a
23 good-faith effort request, would it meet the good-faith
24 effort request or wouldn't it?

25 OFFICE OF LOCAL ASSISTANCE BRANCH MANAGER MORGAN:

1 Cara Morgan, Office of Local Assistance.

2 There are a number of things that we evaluate per
3 Enforcement Policy Part 2. We look at program
4 implementation versus program implementation gaps. We
5 look at the waste stream. We look at disposal trends and
6 tonnages. So there are a number of things that we take
7 into consideration.

8 In this situation the city acknowledged that
9 there are program expansions that they can implement. In
10 no way are we suggesting that they have to do everything
11 that we've listed in the item. They're only things that
12 we discussed with them as a result of our conference call.

13 We believe there are opportunities for them to
14 expand their program implementation. Staff brought
15 forward this discussion with city staff because of some of
16 the things that we saw. And to give you an example, part
17 of our analysis looked at disposal trends. John Davis
18 mentioned that since 2000, they have been doing what they
19 did before. So what's changed? In our mind a number of
20 things have changed. And that includes the extreme
21 increase in growth and building in the area and the need
22 for C&D programs. Staff are in no way suggesting that the
23 city has to do an ordinance or policy or what. We're
24 suggesting that they need to evaluate what the best
25 program is for them.

1 Another piece of information that staff looked at
2 is the disposal trend. From 2000 to 2001 disposal
3 increased by 7 percent. From 2001 to 2002 it increased
4 another 10 percent. So we've gone from about 68,000 to
5 75,000. And, again, we've seen in 2003 another
6 significant increase in disposal, up to 90,000 tons, which
7 is a 19 percent change in a one-year period.

8 We would appreciate the opportunity to work with
9 the city on program expansion, help them evaluate what --
10 you know, what they could do the C&D. We have offered to
11 share with the city some of the things that we've learned
12 from other cities that have worked with them.

13 Our staff very much appreciate working with Dana
14 and John and appreciate their efforts on program
15 expansion. But it is because of the city's own
16 acknowledgement that they have an opportunity to expand
17 programs, we felt it was appropriate to recommend that the
18 city enter -- or submit a time extension. It seemed
19 appropriate to us.

20 DEPUTY DIRECTOR SCHIAVO: I just want to directly
21 answer your question. There's the program gap issue. And
22 what we put in here for recommendations is almost
23 avoidance on our part, because these guys -- it's a tough
24 question you asked: Are they a compliance order or are
25 they not? This is a method to bridge that, not even get

1 into that at this point in time. We know there are
2 program gaps. And by having this option in there, we're
3 trying to assist them in saying, you know, "Do your
4 extension. Implement these programs. And hopefully, if
5 you implement the programs, then you're going to continue
6 to be good-faith effort."

7 This situation is not unlike that of Lancaster,
8 which you just heard. They're at 50 percent, doing a good
9 job implementing the programs. But because of the high
10 growth, the C&D issue, you know, they're going to have --
11 you know, they went forward with the 1066 application that
12 you just approved.

13 The issue with disposal. Yeah, their population
14 is increasing. But the disposal is increasing
15 disproportionately at a quicker pace, which indicates the
16 C&D is a problem there. Because, you know, it's just
17 what's happening with a lot of the communities down there.

18 And, again, we're focusing on continuing to focus
19 on the programmatic issues versus, you know, getting into
20 the numbers issues. Because, you know, this is a
21 14-year-old base year with adjustment factors that just
22 aren't going to apply very well in this situation.

23 CHAIRPERSON PAPARIAN: So, Pat, getting back to
24 my question --

25 DEPUTY DIRECTOR SCHIAVO: I'm avoiding it.

1 CHAIRPERSON PAPARIAN: I know, I know. And I'm
2 going to try to pin you down.

3 If this was standing before us as a request for a
4 good-faith effort --

5 DEPUTY DIRECTOR SCHIAVO: I would really like to
6 rethink this a lot more, because the question you're
7 asking is unique from what we're presenting to you. Right
8 now we're presenting: Are they good faith effort? We
9 don't think they are. We think they should be doing a
10 1066 extension. However, I'm falling short of saying they
11 should be going forward on compliance. I don't feel
12 comfortable right now until I make an assessment looking
13 at it from that perspective.

14 CHAIRPERSON PAPARIAN: Yeah, but the options in
15 the agenda item are to do the request for the 1066 or to
16 find that they've made a good-faith effort. And you're
17 telling us we can't yet -- from your perspective, we can't
18 yet get find them as a good-faith effort.

19 What would it take to get them to a good-faith --
20 would it take more discussion and assurance that they're
21 implementing certain programs that they're not talking
22 about?

23 DEPUTY DIRECTOR SCHIAVO: Pretty much the program
24 gaps that Cara was just talking about, the program gaps
25 that Rebecca mentioned earlier. They've been out there in

1 the field. I haven't been there myself so I can't -- I
2 can't respond to that --

3 CHAIRPERSON PAPARIAN: I'm wondering if -- I mean
4 would some amount of time and further discussion with them
5 about these programs potentially bring them to the
6 good-faith effort that they're more comfortable with?

7 DEPUTY DIRECTOR SCHIAVO: There's been a lot of
8 discussions.

9 Do you guys think it would be fruitful? I mean
10 you've been there and you've had the meetings.

11 OFFICE OF LOCAL ASSISTANCE BRANCH MANAGER MORGAN:
12 That's a difficult question.

13 In our minds the discussions and meetings that
14 we've had with the city, we do feel that there are program
15 expansions to be made. And that's the basis for staff's
16 recommendation.

17 CHAIRPERSON PAPARIAN: Okay. Other thoughts?
18 Board Member Mulé and then Board Member Marin.

19 COMMITTEE MEMBER MARIN: I have a more
20 fundamental question.

21 When the law was passed to have a -- was it a
22 1066? -- the city is not mandated to request the
23 extension. We cannot ask them to request that -- no --
24 can we mandate them to request that?

25 DEPUTY DIRECTOR SCHIAVO: No, we cannot mandate.

1 That's why we suggest. It's an option. We have done that
2 in some prior items as a bridging tool, to suggest it.

3 COMMITTEE MEMBER MARIN: Okay. So then the
4 question for us, since it would be up to the city to
5 request an extension --

6 They would have to request it. And that's why
7 we're -- they can request it through that 30-day period.

8 COMMITTEE MEMBER MARIN: Right. The city right
9 now, in their letter they're saying, "We are not going to
10 request that. What we want is you to find us in
11 good-faith effort."

12 DEPUTY DIRECTOR SCHIAVO: Right.

13 COMMITTEE MEMBER MARIN: We cannot at this point
14 in time express that they've in fact made a good-faith
15 effort. Therefore, the Board would then have to find them
16 that they are not in good-faith effort. And, therefore,
17 it would be called into a compliance issue.

18 DEPUTY DIRECTOR SCHIAVO: Right.

19 COMMITTEE MEMBER MARIN: Okay. Well, I'll call
20 it on compliance. I'll issue the compliance issue.

21 CHAIRPERSON PAPARIAN: Yeah. And I mean my -- is
22 there -- I know Victorville is doing some good work. I
23 know Mr. Davis is working with them to do good work. The
24 staff, as they've expressed, are, you know, not in a
25 position to say they're doing the good-faith effort.

1 Is there any reason why we can't put this off for
2 a couple months maybe and see if we can -- see if
3 everybody can work it out, understanding that if the city
4 doesn't want to go forward with the 1066, they're facing
5 compliance --

6 COMMITTEE MEMBER MARIN: But then it seems like
7 we are mandating them. I want to be clear, and that's why
8 I asked -- I was very -- what's the word? -- methodical in
9 my questions.

10 CHAIRPERSON PAPARIAN: I'd love the city to be --
11 I'd love the situation where we're able just to make a
12 finding they're conducting their good-faith effort. Okay.
13 The staff says we're not there yet. And I take their word
14 for that. We can't yet say they're in the good-faith
15 effort category.

16 I'm wondering if we took a couple of months of
17 continue to work with the city, give it your best shot on
18 both sides. I understand the city believes it is doing
19 everything it possibly can. But our staff thinks maybe
20 there's a bit more. Maybe folks can work it out and we
21 can get to the good-faith effort and we -- you know, the
22 city is either there or it's not there. If it decides not
23 to go with the 1066, then the staff may be coming forward
24 with a different agenda item.

25 OFFICE OF LOCAL ASSISTANCE BRANCH MANAGER MORGAN:

1 Chair Paparian, if we might, staff would
2 respectfully request this period of 30 days. We would
3 request that the Board recommend the city submit an
4 extension, allow the jurisdiction the 30 days. I mean
5 that's -- the staff are making that recommendation, our
6 recommendation is to.

7 CHAIRPERSON PAPARIAN: I understand you're making
8 that recommendation. I may be a little bit sympathetic to
9 it. But reading the rest of the Board members up here, I
10 don't think you've got the votes to go forward with the
11 recommendation including the 1066 information.

12 So, you know, what we might do is simply not
13 vote. But I think -- I am getting a sense that the Board
14 members would like to get a little more common ground
15 between our staff and the City of Victorville. And
16 perhaps the city could, you know, try to understand what
17 the staff is trying to push them to do and see if there's
18 some way to reach a situation where our staff is
19 comfortable that as much is being done as can be done.
20 And the city could qualify then for the good-faith effort.

21 DEPUTY DIRECTOR SCHIAVO: I think what -- let me
22 suggest this: We'll go out -- make another concerted
23 effort. Go out and visit with them, delve deeper into the
24 programs on site. And then we'll come back with whatever
25 we come back with in the next couple months, like you

1 suggested.

2 MS. ARMSTRONG: Can I speak again?

3 CHAIRPERSON PAPARIAN: Briefly.

4 MS. ARMSTRONG: My preference would be not to
5 delay a couple of months. If this is -- if this is the
6 direction of the Board, then the city will submit a 1066
7 within 30 days. I just would rather get on with it.

8 CHAIRPERSON PAPARIAN: I think you need -- you
9 need to make your own choice.

10 MS. ARMSTRONG: Yeah. No, but --

11 CHAIRPERSON PAPARIAN: I'm sensing from my fellow
12 Board members they don't want to -- in respect to what Ms.
13 Hunter was suggesting, they don't want us to be in a
14 position of trying to mandate a 1066. That's your
15 choice --

16 MS. ARMSTRONG: No, I understand that.

17 CHAIRPERSON PAPARIAN: -- if I'm speaking for the
18 other Board members.

19 MS. ARMSTRONG: I completely understand that.
20 But I think, you know, the -- we will go ahead and submit
21 a 1066. And I would rather not drag this out a couple of
22 months. It's certainly something that we can do within 30
23 days.

24 CHAIRPERSON PAPARIAN: That would be your choice.
25 But, you know, continued to work with our staff even in

1 that 30-day period.

2 MS. ARMSTRONG: Well, if it's the choice between
3 that and a potential compliance order, certainly that's
4 what I'm going to choose to do.

5 CHAIRPERSON PAPARIAN: There may be a third path.
6 But, you know, maybe not. And then, again, that's your
7 choice to make, whether you think there's that third path
8 or not.

9 MS. ARMSTRONG: Well, yeah, that would be my
10 preference, to just move ahead. And we'll do that within
11 30 days.

12 COMMITTEE MEMBER MARIN: Then are we going to act
13 on this then?

14 CHAIRPERSON PAPARIAN: Yeah, I mean that's -- and
15 that's where I was getting anyway, is that we don't
16 necessarily need to act on this today. But rather the
17 staff could continue to try to work. If it's the city's
18 choice to go with the 1066, that's the city's choice, that
19 would be what would then come back before us next. If
20 it's possible to reach the agreement where the staff is
21 comfortable recommending a good-faith effort and we accept
22 that, then that's what could come forward. But then we
23 would -- so we wouldn't vote on --

24 COMMITTEE MEMBER MARIN: Mr. Chair, is there
25 another thing that we could do? While if in fact Ms.

1 Armstrong is already agreeing to that, couldn't it just
2 come to the Board with that recommendation? We don't -- I
3 mean she doesn't even have to do it within 30 days, right?
4 I mean she's doing it right now. So that it does not get
5 delayed anymore. We already know what the recommendation
6 is, what they're going to do.

7 MS. ARMSTRONG: Well, we have not submitted a
8 1066. So that would be something that we would be
9 developing over the next 30 days --

10 COMMITTEE MEMBER MARIN: So it cannot come to the
11 Board directly for the next Board meeting?

12 Okay. Then it will be the next -- for the next
13 Committee meeting then. Okay.

14 CHAIRPERSON PAPARIAN: Or whatever time -- I
15 mean, again, it's up to the city. If they're going to
16 submit a 1066, they chose the timing when they're going to
17 submit that.

18 But, you know, I'd urge you to just try to give
19 it one more shot. I understand, you know, the programs
20 you're putting forward, the good programs, the good work
21 that you're doing. But if you could just try to give it
22 one more shot with our staff, maybe something could work
23 out and we could get the good-faith effort and it may be
24 easier for everybody.

25 MS. ARMSTRONG: I understand. Thank you.

1 CHAIRPERSON PAPARIAN: Okay. Going back to our
2 agenda.

3 What we were going to do, the -- because of the
4 lateness of the day -- the large venue contract item which
5 involved a presentation. Depending on the condition of
6 the agenda for the full Board, I think you'll work with
7 the Chair's office whether that should come before the
8 full Board or whether it should come to the next Committee
9 meeting.

10 COMMITTEE MEMBER MARIN: Mr. Chairman, there
11 wouldn't be a need to come back to the Board -- to this
12 Committee meeting then. It can just go directly to the
13 Board.

14 CHAIRPERSON PAPARIAN: What I'm saying is, as
15 long as there's time on the agenda -- if you want it to
16 come before the full Board, that's great. I think it
17 would be an appropriate thing to go before the full Board.

18 COMMITTEE MEMBER MARIN: Okay. Correct. I
19 agree.

20 DEPUTY DIRECTOR SCHIAVO: We'll just coordinate
21 with your office then.

22 COMMITTEE MEMBER MARIN: Okay.

23 DEPUTY DIRECTOR SCHIAVO: Committee Item H is
24 consideration of the amended non-disposal facility element
25 for the unincorporated area of San Mateo.

1 And Keir Furey will present this item.

2 CHAIRPERSON PAPARIAN: Is there anybody from San
3 Mateo here?

4 MR. FUREY: No, I don't think so.

5 CHAIRPERSON PAPARIAN: Okay. Is there any issue
6 or controversy about this one?

7 DEPUTY DIRECTOR SCHIAVO: Great job, Keir.

8 CHAIRPERSON PAPARIAN: Good presentation.

9 I think Board Member Mulé is moving.

10 COMMITTEE MEMBER MULÉ: Yeah -- hold on. I did
11 review it. And for Item No. 9, or H -- I don't have any
12 questions, Mr. Chair.

13 So with that, I can move Resolution 2004-276.

14 CHAIRPERSON PAPARIAN: Okay. And Board Member
15 Marin seconds.

16 COMMITTEE MEMBER MARIN: Yeah, but we should
17 order them a 1066 too. No, I'm just kidding.

18 (Laughter.)

19 COMMITTEE MEMBER MARIN: I'm kidding.

20 CHAIRPERSON PAPARIAN: Okay. We have a motion,
21 we have a second. We'll substitute the previous roll call
22 and put this one on consent.

23 Next we have the NDFE for the City of Los
24 Angeles, right?

25 DEPUTY DIRECTOR SCHIAVO: Yeah. Any issues?

1 STATE AND LOCAL ASSISTANCE BRANCH SUPERVISOR

2 USELTON: No issues.

3 CHAIRPERSON PAPARIAN: Okay.

4 STATE AND LOCAL ASSISTANCE BRANCH SUPERVISOR

5 USELTON: The city has submitted all required documents.

6 COMMITTEE MEMBER MULÉ: Steve, you're comfortable
7 with the NDFE?

8 STATE AND LOCAL ASSISTANCE BRANCH SUPERVISOR

9 USELTON: Our recommendation is for approval. The city
10 has submitted all required documents.

11 COMMITTEE MEMBER MULÉ: Okay. I move approval of
12 Resolution 2004-277.

13 COMMITTEE MEMBER MARIN: I second.

14 CHAIRPERSON PAPARIAN: Okay. It's been moved and
15 seconded.

16 We'll substitute the previous roll call and put
17 that one on consent.

18 DEPUTY DIRECTOR SCHIAVO: Okay. Committee items
19 J, K, L, and M is consideration of the 2001-2 biennial
20 review findings for a number of jurisdictions.

21 Steve Sorelle will present this item.

22 MR. SORELLE: Good afternoon, Chair and Committee
23 members.

24 Staff have conducted their biennial reviews and
25 found that the jurisdictions in item J and K have achieved

1 a 2002 diversion rate of at least 50 percent and are
2 adequately implementing source reduction and recycling,
3 composting, and public education and information programs
4 as outlined in their Source Reduction and Recycling
5 Elements and Household Hazardous Waste Elements.

6 One jurisdiction, Loomis, is claiming diversion
7 from biomass.

8 While the 2002 diversion rates still remains
9 below 50 percent requirement for the jurisdictions in Item
10 L and M, Board staff in conducting their biennial reviews
11 have determined that these jurisdictions are continuing to
12 make all reasonable and feasible efforts to implement new
13 and/or maintain their diversion programs.

14 One jurisdiction, Woodland, is also claiming
15 diversion from biomass.

16 Some of the jurisdictions in these items are
17 small rural cities which have extensive fluctuations in
18 their diversion rates, such as Point Arena.

19 The SB 2202 working group recommended that rural
20 jurisdictions be allowed to demonstrate AB 939 compliance
21 by program implementation and effectiveness instead of
22 spending resources on fixing numerical issues. Staff
23 followed this recommendation when reviewing these
24 jurisdictions.

25 Agenda Items J, K, L, and M lists those

1 jurisdictions for which staff is recommending approval of
2 the 2001-2002 biennial review. Should the Board not
3 accept staff's recommendation, these jurisdictions have
4 reserved the right in their 2002 annual report to submit a
5 1066 time extension or alternative diversion requirement
6 request.

7 This concludes my presentation. Thank you.

8 CHAIRPERSON PAPARIAN: Okay. Let's take these
9 one at a time.

10 Item 11, Item J on the Committee agenda. Any
11 questions about that one? That's Alpine, unincorporated
12 Fort Bragg and Loomis.

13 COMMITTEE MEMBER MULÉ: No.

14 COMMITTEE MEMBER MARIN: I don't have any
15 question, Mr. Chairman. But I failed to have the
16 resolution before me.

17 COMMITTEE MEMBER MULÉ: Me too.

18 COMMITTEE MEMBER MARIN: Would that be 278?

19 CHAIRPERSON PAPARIAN: It's 2004-278.

20 COMMITTEE MEMBER MARIN: Yeah, I don't have it.

21 But I'm sure --

22 COMMITTEE MEMBER MULÉ: I don't either.

23 You don't have it either.

24 Okay. I do have the 279, which is the next one.

25 CHAIRPERSON PAPARIAN: Okay, 278 we'll start

1 with.

2 COMMITTEE MEMBER MARIN: Okay.

3 COMMITTEE MEMBER MULÉ: Move approval of
4 2004-278.

5 COMMITTEE MEMBER MARIN: Second.

6 Okay. It's been moved and seconded.

7 We'll substitute the previous roll call and put
8 that one on consent.

9 Next we have Point Arena, Agenda Item 12, or K on
10 the Committee agenda. I had a question about that one.

11 And, that is, a hundred percent, question mark.

12 MR. SORELLE: We've been shooting for zero waste.
13 And this is our first candidate brought before the Board.

14 Point Arena is extremely small. I think they
15 fluctuate on 3.5 tons per 1 percentage point, if you will.
16 They've had extreme fluctuations. They're probably the
17 poster child for what I was describing in the third
18 paragraph of my presentation. We're very satisfied with
19 their program development. And they are literally the
20 cork on the tumultuous sea when it comes to fluctuations
21 in their disposal. And that's where their challenge is.

22 We've continued to spend time with that county,
23 who's actually doing a formidable job at dealing with
24 disposal challenges. Point Arena again, if you look at
25 the graph, if you will, the entire county is a flat line

1 when it comes to impacts. So fluctuations, and they've
2 obviously had a tremendous one, creates those kinds of
3 numbers.

4 CHAIRPERSON PAPARIAN: So is nothing getting
5 reported as going to landfill from the jurisdiction?

6 MR. SORELLE: I'm sorry. I didn't hear you.

7 CHAIRPERSON PAPARIAN: Is nothing getting
8 reported as going to landfill --

9 MR. SORELLE: That was the case in 2000. I mean
10 2002. Excuse me.

11 So we had to -- lacking specific data for them we
12 added a ton, quite frankly. And that gives you the number
13 rounded.

14 CHAIRPERSON PAPARIAN: All right. I may have to
15 go visit this place sometime.

16 MR. SORELLE: Well, we're -- yeah, we continue to
17 work with them.

18 COMMITTEE MEMBER MARIN: I want to see when
19 there's a 100 percent -- when they reach a hundred
20 percent.

21 CHAIRPERSON PAPARIAN: Okay. Board Member Mulé.

22 COMMITTEE MEMBER MULÉ: I would move approval of
23 Resolution 2004-279.

24 COMMITTEE MEMBER MARIN: Second.

25 CHAIRPERSON PAPARIAN: Okay. It's been moved and

1 seconded.

2 We'll substitute the previous roll call and put
3 that one on consent.

4 The next one is Ukiah and Sierra Regional
5 Agency -- Sierra County Regional Agency, Item 13, or item
6 L on the Board agenda.

7 Any questions about that one?

8 COMMITTEE MEMBER MULÉ: No. And, again, this is
9 a rural area, correct?

10 MR. SORELLE: Yeah, Sierra is definitely a rural
11 area. And their rate has actually gone up over time after
12 getting a JFE in 2000.

13 COMMITTEE MEMBER MULÉ: Okay. Move approval of
14 resolution 2004-280.

15 COMMITTEE MEMBER MARIN: Second.

16 CHAIRPERSON PAPARIAN: Okay. It's been moved and
17 seconded.

18 We'll substitute the previous roll call and put
19 that one on consent.

20 And the last one is Yolo County, Woodland, Item
21 14, or item M on the Committee agenda.

22 COMMITTEE MEMBER MARIN: I don't have --

23 CHAIRPERSON PAPARIAN: Any questions on that one?

24 COMMITTEE MEMBER MULÉ: No.

25 CHAIRPERSON PAPARIAN: I notice --

1 COMMITTEE MEMBER MARIN: I don't have the
2 Resolution 281. But for some reason my packet is missing
3 it.

4 CHAIRPERSON PAPARIAN: Okay. We'll see if we can
5 grab you that as I'm asking my question.

6 They've gone from 54 to 49 to 43. So they're
7 trending in the wrong direction. What's going on here?

8 MR. SORELLE: Yes. Well, we have a staff
9 member -- I might tackle this, and we'll see if Kyle has
10 additional information.

11 They have done extensive program development,
12 frankly, on their own. In 2003 they improved their
13 curbside program with automated commingled pick up. They
14 got rid of stackable bins, if you will, through all
15 entire -- the entire residential units. They're also
16 working on enhancement of their business, commercial
17 recycling. All their schools are currently recycling as
18 well. Multi-family is also happening. And they're
19 working other areas.

20 So we know they've had an increase in disposal.
21 We think their program development's been impressive, even
22 historically. And then they've cranked it up when they
23 saw disposal challenges, you know, beyond -- the dip that
24 you're talking about, they're attacking -- in our opinion
25 they're attacking that waste increase.

1 CHAIRPERSON PAPARIAN: Okay.

2 COMMITTEE MEMBER MARIN: Mr. Chairman does that
3 mean that the jurisdiction has made a good-faith effort
4 but not Kyle?

5 (Laughter.)

6 MR. POGUE: No.

7 CHAIRPERSON PAPARIAN: All right. We'll have a
8 special resolution for Kyle brought next month.

9 COMMITTEE MEMBER MARIN: Move approval of
10 resolution 2004-281.

11 COMMITTEE MEMBER MULÉ: Second.

12 CHAIRPERSON PAPARIAN: Okay. It's been moved and
13 seconded.

14 And we'll substitute the previous roll call and
15 put that one on consent.

16 So now we're on to the City of Concord, Contra
17 Costa County.

18 DEPUTY DIRECTOR SCHIAVO: Okay. We're going to
19 have two jurisdictions that have leave by 5. And one is
20 15, but the other's 19. So I'd Like to boot that up after
21 15, if you don't mind.

22 CHAIRPERSON PAPARIAN: Okay.

23 DEPUTY DIRECTOR SCHIAVO: Fifteen is
24 consideration of a request to change the base year to 2002
25 in consideration of their biennial review findings, City

1 of Concord.

2 Eric Bissinger will present.

3 MR. BISSINGER: Good afternoon, Committee
4 members. My name is Eric Bissinger: I'm with Office of
5 Local Assistance.

6 The City of Concord considered submitted a
7 request to change their base year from 2000 to 2002.

8 As part of the base year study review, Board
9 staff conducted a detailed site visit in September 2004.
10 As a result, staff is recommending some changes to the
11 diversion study. With these changes Concord's diversion
12 rate for 2002 would be 44 percent. In addition, the city
13 has also documented -- submitted documentation for a
14 biomass claim, which increased the 2002 diversion rate by
15 4 percent, to equal 48 percent.

16 Staff, therefore, recommends the Board adopt
17 Option 2 and find that the City of Concord has at a
18 minimum continued to implement programs consistent with
19 the Board-approved program levels in the '01-'02 biennial
20 review cycle and approve the city's base year change
21 including the biomass request.

22 Representatives from Concord are here to answer
23 any questions.

24 CHAIRPERSON PAPARIAN: Any questions?

25 I think Board member Marin is moving adoption of

1 Resolution 2004-282. Board Member Mulé seconds that.

2 COMMITTEE MEMBER MULÉ: Second.

3 Thank you.

4 CHAIRPERSON PAPARIAN: We'll substitute the
5 previous roll call and put that on consent.

6 DEPUTY DIRECTOR SCHIAVO: Okay. Committee Item
7 R, Board Agenda 19, is consideration of a second SB 1066
8 time extension application for a number of cities in San
9 Mateo County.

10 And Keir Furey will present this item.

11 MR. FUREY: Good afternoon, Committee members.

12 The cities of Foster City, San Carlos, and
13 Pacifica have requested a second time extension through
14 December 31, 2005.

15 Board staff has determined that the information
16 submitted in their applications is adequately documented.
17 And based on the information, Board staff is recommending
18 that the Board approve the time extension requested for
19 these cities.

20 A representative for two of the cities is
21 present.

22 CHAIRPERSON PAPARIAN: Any questions?

23 COMMITTEE MEMBER MARIN: Mr. Chair?

24 CHAIRPERSON PAPARIAN: Go ahead.

25 COMMITTEE MEMBER MARIN: I just want to know, how

1 many extensions can we give them?

2 DEPUTY DIRECTOR SCHIAVO: It's unlimited. But
3 the law sunsets January 1st, 2006. So for all practical
4 purposes, this will be the last time for everybody.

5 COMMITTEE MEMBER MARIN: Okay.

6 CHAIRPERSON PAPARIAN: So the City of Pacifica
7 especially, at 29 percent, has a lot to do in the next
8 couple years.

9 MR. FUREY: Yes, they do.

10 CHAIRPERSON PAPARIAN: The other ones obviously
11 too, but -- is the --

12 MR. FUREY: They're not here.

13 CHAIRPERSON PAPARIAN: Okay. Hopefully they're
14 home conducting their programs and implementing them.

15 MR. FUREY: They're working hard.

16 COMMITTEE MEMBER MULÉ: Can I just ask staff, you
17 know, how do you think they're doing? I mean if you can
18 just give us a quick assessment.

19 MR. FUREY: Pacifica does have some challenges.

20 They had initially in their first time extension based
21 some increases on a MRF they wanted to build. But
22 unfortunately it's a coastal city, residential, near San
23 Francisco, they had a challenge actually siting a MRF.

24 They're still trying to do that. But with the
25 second time extension they're exploring other things to do

1 with material that doesn't require that MRF. So it's just
2 a matter of kind of a switching their strategy as far as
3 what to do with some of this material. And They've
4 already started and are seeing some successes with some
5 other -- some programs that they put into their second
6 time extension.

7 They actually have a very low pounds per person
8 per day of disposal to begin with. And so there's some
9 challenges of actually getting to that small amount that's
10 still left.

11 COMMITTEE MEMBER MULÉ: Thank you.

12 CHAIRPERSON PAPARIAN: Okay. Board Member Marin
13 moves resolution 2004-286.

14 COMMITTEE MEMBER MULÉ: Second.

15 CHAIRPERSON PAPARIAN: Board Member Mulé seconds.

16 We'll substitute the previous roll call and put
17 that on consent.

18 And thank you for waiting here all this time, the
19 representatives of Foster City and San Carlos.

20 DEPUTY DIRECTOR SCHIAVO: Okay. Committee Item
21 P, Board Item 17, is consideration of the 2001-2 biennial
22 review findings for the City of Guadalupe, Santa Barbara
23 County.

24 And Nikki Mizwinski will present this item.

25 CHAIRPERSON PAPARIAN: Are there any issues or

1 questions about this one?

2 COMMITTEE MEMBER MARIN: No.

3 COMMITTEE MEMBER MULÉ: No.

4 DEPUTY DIRECTOR SCHIAVO: Great job, Nikki.

5 CHAIRPERSON PAPARIAN: So Board Member Mulé I
6 think is about to move Resolution 2004-284.

7 COMMITTEE MEMBER MULÉ: Yes.

8 COMMITTEE MEMBER MARIN: Second.

9 Board Member Marin seconds.

10 We'll substitute the previous roll call, put this
11 on consent.

12 I'm looking to Pat. What else -- we haven't done
13 20 yet.

14 COMMITTEE MEMBER MULÉ: Twenty.

15 DEPUTY DIRECTOR SCHIAVO: Board Items 20 and 21.

16 Consideration of the second SB 1066 time
17 extension for Maywood.

18 Steve will present this item.

19 STATE AND LOCAL ASSISTANCE BRANCH SUPERVISOR

20 USELTON: The City of Maywood has requested a second time
21 extension through December 31st of 2005. And in this time
22 extension, to ensure it meets diversion requirements, the
23 city is proposing the following programs:

24 It will begin routing waste to a transformation
25 facility. The franchise waste hauler will deliver

1 approximately five tons per day of material to a
2 waste-to-energy facility, which will equate to about 1500
3 tons per year.

4 And they will also expand on their construction
5 and demolition policy, where the city has now enacted a
6 C&D ordinance. And the new C&D policy will require that
7 the franchise hauler handle all C&D materials generated
8 within the city and divert no less than 50 percent of the
9 materials they collect.

10 A new C&D policy document is being distributed
11 through the building permit ap to all building permit
12 applicants to notify them of the new policy and its
13 requirements. And the city expects about 6 percent
14 diversion from these new programs.

15 That will conclude my presentation.

16 CHAIRPERSON PAPARIAN: Any questions?

17 COMMITTEE MEMBER MULÉ: No.

18 CHAIRPERSON PAPARIAN: No.

19 Board Member Mulé is moving --

20 COMMITTEE MEMBER MULÉ: Move approval of
21 Resolution -- this says 2003. It must be 2004-287.

22 CHAIRPERSON PAPARIAN: Okay. We'll note that
23 correction.

24 And Board Member Marin is seconding.

25 COMMITTEE MEMBER MARIN: Yes.

1 CHAIRPERSON PAPARIAN: And we'll substitute the
2 previous roll call and put this on consent.

3 DEPUTY DIRECTOR SCHIAVO: Okay. Last item, 21,
4 Steve will present, dealing with a 1066 application for
5 Agoura Hills.

6 STATE AND LOCAL ASSISTANCE BRANCH SUPERVISOR
7 USELTON: The city of Agoura Hills has requested a 1066
8 time extension through December 31st, 2005. The specific
9 reasons the city needs a time extension are as follows:

10 The city is a moderately high growth area. New
11 businesses are moving into the city all the time. And it
12 will be important for the city to continue its outreach
13 efforts to contractors during the construction of new
14 buildings.

15 The city plans to implement a planning condition
16 that would require diversion from new construction
17 projects. And the diversion from these projects will be
18 tracked by the city.

19 The city has also strived to work recycling into
20 business complexes that share trash services. And
21 outreach efforts will be augmented with more reliance on
22 refuse haulers to set up diversion services in accordance
23 with the city's existing mandatory recycling ordinance,
24 and address the businesses that are not currently
25 participating.

1 The city anticipates a 19-percent increase in its
2 diversion rate. And as part of this the city has
3 conducted a rough generation analysis of its waste stream
4 in 2002. Through that analysis it demonstrated that
5 current diversion activities in the city -- it identified
6 the current activities that were in the city, but it also
7 identified many businesses that could implement additional
8 on-site recycling programs if they were to get hauler
9 assistance.

10 Board staff has determined that the information
11 submitted in the application is adequately documented.
12 And based on this information, Board staff is recommending
13 that the Board approve this time extension.

14 A representative of the city could not be here
15 due to a family illness.

16 That concludes my presentation.

17 COMMITTEE MEMBER MULÉ: No questions.

18 CHAIRPERSON PAPARIAN: I had a question. Well,
19 I'll just -- this one has gone from 46 to 37 to 31.
20 Again, wrong direction. But you're comfortable that
21 they're getting back on track?

22 STATE AND LOCAL ASSISTANCE BRANCH SUPERVISOR
23 USELTON: Yeah. Really this is part of a disposal
24 reporting problem that is actually from their franchise
25 hauler. There have been changes in the reported disposal

1 that have resulted in between 8 and 24 percent in the
2 city's diversion rate. That has made it difficult for the
3 city to plan at time on what programs to target. That's
4 why we asked them to do this rough generation analysis.
5 And after doing that they felt comfortable that the
6 targets were right.

7 CHAIRPERSON PAPARIAN: Okay. So Board Member
8 Mulé is moving resolution 2004-

9 COMMITTEE MEMBER MULÉ: -- move Resolution
10 2004-288.

11 CHAIRPERSON PAPARIAN: -- 2004-288.

12 COMMITTEE MEMBER MARIN: I second.

13 CHAIRPERSON PAPARIAN: Board Member Marin
14 seconds.

15 We'll substitute the previous roll call and put
16 this on consent.

17 Now, that's the last item on the agenda?

18 DEPUTY DIRECTOR SCHIAVO: Right.

19 CHAIRPERSON PAPARIAN: Is there any public
20 comment?

21 Mr. Edgar?

22 MR. EDGAR: No.

23 CHAIRPERSON PAPARIAN: No.

24 (Laughter.)

25 CHAIRPERSON PAPARIAN: Okay. That concludes this

1 meeting.

2 (Thereupon the California Integrated Waste
3 Management Board, Sustainability and Market
4 Development Committee adjourned at 4:55 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board,
7 Sustainability and Market Development Committee meeting
8 was reported in shorthand by me, James F. Peters, a
9 Certified Shorthand Reporter of the State of California,
10 and thereafter transcribed into typewriting.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said meeting nor in any
13 way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 12th day of November, 2004.

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23 JAMES F. PETERS, CSR, RPR

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